The City Council of the City of Raleigh met in regular session on Tuesday, September 6, 1983, at 1:00 p.m. in the City Council Chamber of the Municipal Building with the following present:

Mayor York, Presiding
Ms. Babb
Mr. Calloway
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Walters
Mr. Upchurch

Mayor York called the meeting to order and invocation was rendered by Audrey Austin, Minister of Music at Millbrook Baptist Church, after which the following items were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

CAPITAL AREA TRANSIT SAFETY AWARDS FOR TRANSIT OPERATION - PRESENTED

Mayor York called on Robert Deaton, General Manager for Capital Area Transit, Bus Operators M. B. Perry and James Drew, and Lloyd Goosby, mechanic for Capital Area Transit. Mayor York presented two awards from the National Safety Council for Occupational Safety in Fleet Operation Safety and a third award from the North Carolina Department of Labor in the area of Accident Prevention Efforts. Mayor York explained that the Capital Area Transit system has operated 714,185 employee hours without any days of lost time from injury. He indicated in the National Fleet Safety contest, Capital Area Transit placed first place. He indicated the award from the North Carolina Department of Labor is the third consecutive year that the Capital Area Transit has received this award. In accepting the plaque, General Manager Deaton indicated they are very proud of the safety record. He indicated he feels that we have one of the finest transit operations in the United States.

FINANCIAL REPORTING - CERTIFICATE OF CONFORMANCE - PRESENTED

Mayor York presented Finance Director Z. Bryan Hill with a plaque known as the Certificate of Conformance, pointing out this is the highest form of recognition in Governmental Accounting and Financial Reporting and its attainment represents a significant accomplishment by Government or Public Employee Retirement System and its management. Mr. Hill accepted the award on behalf of the City.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS PRESENTED

Mayor York presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. The vote on the Consent Agenda will be a roll call vote. Mayor York indicated there is an item relating to privilege license for "The Brickyard Pub & Deli". He indicated this is located in the Mission Valley Shopping Center, a project which he is involved in, therefore his vote on the Consent Agenda would not count on this item. Mr. Upchurch MOVED ADMINISTRATION'S RECOMMENDATIONS ON THE CONSENT AGENDA BE UPHELD. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

The items on the Consent Agenda were as follows:

PRIVILEGE LICENSE - "STAYIN' ALIVE" - APPROVED; "THE BRICKYARD PUB & DELI" - APPROVED CONDITIONALLY

This is a privilege license application for "Stayin' Alive," located at 2840 Industrial Drive. On June 7, 1983, the City Council approved the privilege license for "Stayin' Alive" for a dance hall, private club with live entertainment, classified as a class two entertainment center, for the manager, Steve E. Myers. This request is for City Council approval for the applicant/owner, John Henry Walters. The Police report indicates approval.

This is a privilege license application for "The Brickyard Pub & Deli," located at 2109 Avent Ferry Road. The owner, Amedeo R. De Angelis, is the individual making application. City Code Sections 2-2032 (2), (3), (5), and 12-2118 (2) require City Council approval before a license may be issued for a dance hall, public club with live entertainment, classified as a class one entertainment center. The Police report indicates approval. The Inspection Division is recommending a conditional approval upon compliance with all Building and Zoning code items.

Consent Agenda approval Upchurch/Calloway - 8 ayes. (Mayor York's vote did not count on the Pub & Deli" as he was excused during vote on the Consent Agenda.)

EASEMENT ACQUISITION - ALTON L. SMITH - APPROVED

We have received a request from Mr. Alton L. Smith concerning the extension of a sanitary sewer line to serve property he owns inside the City of Raleigh at Newton

and Six Forks Roads. Based on our discussions, our timetable for the installation of a sewer project is not compatible with his construction schedule. The owner has proposed that we acquire the easement and he will pay the total cost and have a private contractor install the sanitary sewer line.

Recommendation: Due to the amount of time involved, it is recommended that the Council authorize us to acquire the easement for the sewer line so that Mr. Smith may proceed with the installation. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

BUILDING PERMITS - PUBLIC HEARING TO CONSIDER AMENDMENT AUTHORIZED

This was a request for a public hearing to consider amending Article C, Chapter 4 of Part 7 of the Raleigh City Code.

This action is necessary in order to remove the conflict which was produced with the passage of House Bill 1147 on June 24, 1983, pertaining to the increase in value of repair work that may be done for single family dwellings and farm buildings without a building permit. (Exemption for small jobs.)

A copy of the proposed ordinance was included in Council Members' Agenda packets.

Recommendation: It is recommended that a public hearing be called for September 22, 1983. Consent Agenda approval - Upchurch/ Calloway - 8 ayes.

PERMIT OFFICE - REQUEST TO DESTROY ORIGINAL DOCUMENTS - APPROVED

This is a request to destroy original documents obtained from building construction activity which have either been microfilmed or held for the required period. All necessary microfilming has been completed, therefore, the project may be completed utilizing existing staff. Proper state officials have already approved this request.

Recommendation: Approval of this request is recommended. It will be necessary for the City Clerk to document the description of the records to be destroyed. Consent Agenda approval - Upchurch/ Calloway - 8 ayes.

LAKE JOHNSON FISHING CONTRACT - REFUND AUTHORIZED

It is proposed that the contract be amended. This would require that the annual flat fee of $1,000 for 1983 for the fishing concession at Lake Johnson be reduced to $800. The work on the Lake Johnson Dam has adversely affected the fishing operations at that lake, and the concessionaire has requested an adjustment. The 1983 rental of $1,000 was paid to the City on May 23, 1983. We feel a refund of $200 is a fair adjustment.

Recommendation: Approval of this request is recommended. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

CETA CONTRACT MODIFICATION #2 - WAKE TECHNICAL COLLEGE - MODIFICATION AUTHORIZED

This is a request to authorize the modification of the existing Administrative Contract with Wake Technical College. The purpose of this modification is to transfer funds from the salary line item to the fringe line item, to accommodate rate changes in retirement as requested by the subcontractor. This action does not change the total amount of the contract ($4,538.26).

Except that which appears in the above explanation of the modification, all terms and conditions of this contract remain unchanged.

Recommendation: It is recommended that the City Council approve the contract modification. Consent Agenda approval - Upchurch/ Calloway - 8 ayes. See Resolution 343 TF 8.

COMMUNITY DEVELOPMENT - LOANS AND GRANTS - APPROVED

The following Community Development rehabilitation loan and grant applications have been researched and reviewed according to administrative procedures and are recommended for City Council approval.

Case Number: B-82-MC-003
David L. and Elsie M. Edwards
318 East South Street
Loan Amount: $22,450.00

Case Number: B-82-MC-004
Lena M. Wilson/Coy and Annie Carrington
815 South East Street
Loan Amount: $15,000.00
Grant Amount: 9,000.00
Total Amount: $24,000.00

Case Number: B-82-MC-005
Wiley Beard
304 Freeman Street
Loan Amount: $17,000.00

Case Number: B-82-MC-006
Alice Tabron
555 East Martin Street
Loan Amount: $16,500.00
Grant Amount: 9,200.00
Total Amount: $25,700.00

Recommendation: Approval is recommended. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

SANITARY SEWER AND WATER EXTENSIONS - PAT BARROW AND ASSOCIATES - APPROVED CONDITIONALLY

This is a request from Pat Barrow and Associates to extend City of Raleigh water and sewer utilities to serve the Inwood Forest Subdivision which is located outside the corporate limits. Water and sewer would be installed in Stewart Drive, a portion of Barhill Drive, and water only along Lake Wheeler Road. It should be noted that this is a previously approved and recorded subdivision which did not show utilities. The utilities would be installed according to City of Raleigh standards and the street improvements would meet City and State standards.

Recommendation: It is recommended that this request be approved subject to the Public Utilities Department approving the detailed engineering plans, and the applicant obtaining the necessary State construction permits and the off-site sanitary sewer easement. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

WAKE COUNTY MENTAL HEALTH AGREEMENT - BUDGET AUTHORIZED

A contractual agreement has been received from Wake County Area Mental Health to pay $60,339 in expenditures for the Special Populations Program Budget.

The City's share in this program is $73,510. The total budget is $133,849.

Recommendation: It is recommended that Council authorize a budget amendment for $60,339. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

ORDINANCE NO. (1983) 174

AN ORDINANCE TO AMEND THE 1983/1984 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1983/1984 Budget be amended as follows to budget the 83-84 Special Populations Program:

Revenue:	02-1-6690-0100	AMH-Wake County	$60,339.00
	02-1-6690-0101	AMH-City Match	73,510.00

Expense:

02-2-6690-100	Salaries	$103,455
02-2-6690-101	Fringe Benefits	12,944
02-2-6690-102	Audit Costs	500
02-2-6690-213	Registration & Subscription	400
02-2-6690-225	Repairs to Bldg/Grounds	50
02-2-6690-226	Repairs/Office Equipment	150
02-2-6690-228	Telephone & Postage	100
02-2-6690-230	Motor Vehicle - M&O	10,000
02-2-6690-231	Travel	700
02-2-6690-237	Car & Bus Rental	3,100
02-2-6690-240	Photo Copy & Printing	400
02-2-6690-260	Office & Other Supplies	1,000
02-2-6690-265	Athletic Supplies	300
02-2-6690-266	Insurance/Bonds	450
02-2-6690-700	Calculator	300

Adopted: 9/6/83

STREET LIGHTS - SOUTH STATE STREET - REINSTALLATION OF FOUR STREET LIGHTS - APPROVED

During the August 2, 1983, Council Meeting, Councilman Calloway requested that Administration consider the installation of street lights on State Street in the area between Peterson Street and the South Beltline. Approximately one year ago, fourteen street lights were removed from this one-half mile section of State Street as part of the Council's City-wide Program of removing street lights. These particular lights were removed because the section of State Street is undeveloped. Since that time the Department has received a number of requests for reinstallation of some of these street lights. Although the removals were in complete accord with the criteria established by the Council for the removal of lights, we believe there is some justification for reinstallation of a limited number of lights. This justification would be based upon the fact that there is a limited amount of nighttime pedestrian traffic who walks along State Street between the Dandridge Drive area near the Beltline and the Bragg Street area near downtown. Further we have found that there is some dumping of trash and debris along this undeveloped section of State Street which may be taking place during hours of darkness.

Recommendation: Based upon the above information, it is recommended that the Council authorize the reinstallation of four street lights in the area between Peterson Street and the Beltline. This will provide a reasonable degree of lighting for pedestrian traffic and may be a deterrent to the trash dumping activities. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

METHOD CIVIC LEAGUE - DRAINAGE COMPLAINT - INFORMATION RECEIVED

A representative of the Public Works Department talked with one of the complainants, Mrs. Robert Hooker, on the afternoon of August 16, 1983, explaining how the contractor was planning to divert the drainage from his site along his eastern property line, away from her property. Mrs. Hooker seemed satisfied with this proposal. The release of the Certificate of Occupancy, for the units presently under construction, will be contingent upon the satisfactory completion of the drainage improvements. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

GLEN EDEN PILOT PARK - PHASE II - MCNEELY AND ASSOCIATES - APPROVED

The Council has previously approved McNeely Associates to provide these services if a suitable contract could be developed. The Parks and Recreation Director has worked with McNeely Associates on this and has developed a contract on which your approval is sought. The contract provides for a flat fee of $38,000. A copy of the proposed contract was included with Council Members' Agenda packets.

Recommendation: Approval of this contract is recommended and, if approved, approval of a $38,000 transfer is also requested. Consent Agenda approval Upchurch/Calloway - 8 ayes. See Ordinance 176-TF-4.

PARKS AND RECREATION DEPARTMENT - BUDGET AMENDMENT - AUTHORIZED

This was a budget amendment in the amount of $810 to reimburse the City for trees planted on Raleigh Housing Authority property. The Agenda outlined the Revenue and Expense accounts that would be effected by this budget amendment. Administration recommends approval of the amendment as outlined. Consent Agenda approval Upchurch/Calloway - 8 ayes.

ORDINANCE NO. (1983) 175

AN ORDINANCE TO AMEND THE 1983/1984 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1983/1984 Budget be amended as follows to reimburse the City for trees planted on Raleigh Housing Authority property:

Revenue:	01-1-0700-0200	Misc. Income	$810.00
Expense:	01-2-6020-0284	Trees and Shrubs	$810.00

Section 2. That the 83/84 Budget be amended as follows to place into an expense account contributions made for Capital City Trails:

Revenue:	37-1-0070-0200	Misc. Income	$10,250.00
Expense:	37-2-3000-0187	Capital City Trail	$10,250.00

Adopted: 9/6/83

CIVIC CENTER - RENT FREE USE - INFORMATION RECEIVED

Approval has been granted for the rent-free use of Meeting Room A at the Civic Center on Wednesday, September 7, 1983, from 3:00 to 5:00 p.m. for a meeting of The Raleigh Tomorrow Task Force. The item was received as information without comment.

CETA OJT CONTRACT MODIFICATION - CITY MANAGER'S APPROVAL - INFORMATION RECEIVED

On August 25, 1983, the City Manager signed a contract modification with Wakenhut Corporation, which will decrease the amount of the contract due to the wage rate change from $4.46 to $3.60 for one participant. This will decrease the contract amount by $278.64. The item was received for information without comment.

POPULATION REPORT - INFORMATION RECEIVED

Last year we developed a Population Report for the use of the Mayor and members of the City Council. The Planning Department has updated that report and a copy was included in the Council Members' Agenda packets. The Planning Director was at the Council Meeting to answer any questions about the report. The item was received without comment.

DAM REPAIRS - WILSON CONSTRUCTION COMPANY CHANGE ORDER #1 - APPROVED - FUNDS APPROPRIATED

Change Order #1 was Wilson Construction Company, Inc., relating to dam repairs at Lakes Johnson, Wheeler, and Benson was presented. The change order is for an addition of $18,500. The change order was needed for repair of voids discovered under spillway slab and stabilization of toe of cut-off wall. The Agenda outlined the budget amendment and transfer that would be necessary it the change order is approved. Administration recommended approval of the change order and related transfer. Consent Agenda - Upchurch/ Calloway - 8 ayes. See Ordinance 176-TF-4.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received a list of Administrative transfers that have been authorized by the City Manager according to Council procedure. Concurrence with the Manager's action is recommended. Consent Agenda approval - Upchurch/Calloway - 8 ayes. The transfers are as follows:

FROM	TO	AMOUNT
37-2-8994-100	37-2-8994-204	$ 83.83
37-2-2382-100	37-2-2382-104	93.98
18-2-0520-225	18-2-0520-270	350.00
18-2-0520-260	18-2-0520-270	400.00
		750.00
01-2-1040-001	01-2-3080-213	160.00
43-2-4120-228		264.69
43-2-4150-229		269.47
	43-2-4120-100	35.13
	43-2-4120-260	179.53
	43-2-4130-260	101.40
	43-2-4140-260	104.57
	43-2-4150-260	113.53
01-2-6010-275	01-2-6010-648	13.60
01-2-6050-226	01-2-6050-702	225.00
18-2-0510-225	18-2-0510-270	350.00

FROM	TO	AMOUNT
18-2-0510-260	18-2-0510-270	400.00 750.00
01-2-6000-732	01-2-6000-733	17.80
01-2-6000-732	01-2-6000-734	18.00
01-2-5050-225	01-2-5050-710	488.80
43-2-9070-300	43-2-9030-300	798.00

TRANSFERS - WITHIN VARIOUS ACCOUNTS AND CONTINGENCIES - ORDINANCE ADOPTED

The Agenda listed recommended transfers within various accounts and appropriations from various contingencies for purposes as stated in the Agenda. ADMINISTRATION RECOMMENDS APPROVAL OF THE TRANSFERS AS OUTLINED. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

ORDINANCE NO. (1983) 176 TF 4

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 21, 1983, and included in the budget for the fiscal year ending June 30, 1984, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 38-2-3310-0100	Glen Eden Park	$38,000.00
To 38-2-3310-0102	Glen Eden Park	38,000.00
Purpose: To set up account to pay consultants.		
From 84-2-1060-0000	E. M. Johnson Expansion	$18,500.00
To 84-2-1050-0201	Dam Restoration - General	18,500.00
Purpose: Change Order - Dam Repairs Lakes Johnson, Wheeler, Benson - Wilson Construction Co., Inc. - #1.		
From 38-2-2030-0100	East Raleigh Pool	$ 1,200.00
To 38-2-2030-0103	Land Acquisition	1,200.00
Purpose: For land appraisal.		
From 34-2-1000-0100	Council Reserve	$ 1,250.00
To 34-2-3800-0103	Landfill	1,250.00
Purpose: Appraisal for possible land acquisition.		
From 01-2-1040-0001	Contingency	$ 5,000.00
To 01-2-1160-0265	Appraisals	5,000.00
Purpose: Various property appraisals including landfill site, pool site, park site and library.		
From 34-2-3805-0100	Municipal Complex	$33,700.00
To 34-2-3806-0101	Relocation Rent	29,000.00
34-2-3806-0105	Relocation Modifications	2,000.00
34-2-3806-0106	Relocation Copy Machine	2,700.00
Purpose: Additional funds for rental of police facilities resulting from parking deck project.		
From 43-3-9180-0300	Conservation Areas & PRI	$ 7,500.00
To 43-2-9030-0300	Demolition	7,500.00
Purpose: Funds to cover a deficit in demolition account.		
From 01-3-3100-0126	Moneymax Reserve	$ 9,000.00
To 01-2-4130-0700	New Equipment	9,000.00
Purpose: Purchase safety net for drill tower.		
From 03-2-5200-0535	Indirect Cost	$ 2,000.00
To 03-2-5200-0267	Payroll Services	2,000.00
Purpose: To supplement deficit line item account.		
From 38-2-1000-0100	Council Reserve	$ 2,500.00
To 38-2-2010-0104	Swimming Pool D	2,500.00
Purpose: To supplement account for additional soil and concrete testing at Biltmore Hills and Ridge Road Pool sites.		
From 01-2-4020-0100	Salary	$ 2,531.00
To 01-2-4010-0100	Salary	2,531.00
Purpose: To exchange Sergeant position in 4010 for Lieutenant position in 4020.		

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 32-2-1000-0100	Council Reserve	$84,860.84
To 32-2-4496-0103	Person/Blount R/W	84,860.84
Purpose: To pay final 20% City participation in NCDOT right-of-way cost for extension of Person/Blount to south Beltline.		
From 39-2-1000-0100	Reserve for Council Proj.	$ 5,076.43
To 39-2-3075-0101	R/R Surface Cabarrus	5,076.43
Purpose: To pay City's 10% share of cost to NCDOT for special railroad crossing construction per 11/10/77 Municipal Agreement.		
From 49-2-1000-0100	Council Reserve	$ 3,000.00
To 40-2-1820-0101	Mem. Aud. Roof Repairs	3,000.00
Purpose: For architectural services for Memorial Auditorium roof repairs.		
From 01-3-3100-0126	Surplus Res.	$ 1,400.00
To 01-2-3020-0701	Postal Scale	1,400.00
Purpose: Purchase of an electronic postal scale.		
From 34-2-3805-0100	Municipal Complex	$ 21,303.00
34-2-3810-0102	Parking Deck B	40,000.00
34-2-3810-0200	Municipal Complex Parking	2,880,000.00
To 34-2-3810-0101	Municipal Parking General	2,578,000.00
34-2-3810-0103	Municipal Parking Plumbing	155,475.00
34-2-3810-0105	Municipal Parking Electrical	207,828.00
Purpose: Provide funds for awarding contracts for construction of 222,700 square foot parking deck including General, Plumbing and Electric contracts.		
From 34-2-3805-0100	Municipal Complex	$ 56,500.00
To 34-2-3810-0106	Mun. Parking-Landscaping	56,500.00
Purpose: To have funds available for landscaping parking deck.		
From 34-2-3802-0100	Office Space	$ 41,800.00
To 34-2-3810-0107	Mun. Parking Meters	41,800.00
Purpose: Purchase parking meters to be installed in the parking deck.		
From 34-2-3805-0100	Municipal Complex	$ 1,095.29
To 34-2-3805-0101	Gen. Contract	1,095.29
Purpose: Change Order - New Municipal Building - to provide access to room adjoining Fire Chief's Office.		
From 01-2-1040-0001	C. C. Contingency	$ 27,739.00
To 01-2-1040-0237	City Art Gallery	27,739.00
Purpose: To provide seed money for development of City Art Gallery.		
From 38-2-1000-0100	Park Capital Unapp.	$ 10,000.00
To 01-2-6010-0269	Athletic Equipment	10,000.00
Purpose: To purchase soccer goals to be placed on City park property.		
From 38-1-1000-0100	Council Reserve	$ 4,095.00
To 38-2-2010-0101	Swimming Pool A	4,095.00
Purpose: Change Order - Biltmore Hills & Ridge Road Pools - G-8.		
From 38-2-1000-0100	Council Reserve	$ 626.00
To 38-2-2010-0101	Swim Pool A	626.00
Purpose: Same as above - G-14.		
From 38-2-1000-0100	Council Reserve	$ 3,663.00
To 38-2-2010-0101	Swim Pool A	3,663.00
Purpose: Same as above - G-13.		
From 38-2-1000-0100	Council Reserve	$ 319.00
To 38-2-2010-0101	Swim Pool A	319.00
Purpose: Same as above G-12.		
From 38-2-1000-0100	Council Reserve	$ 22,160.00
To 38-2-2010-0101	Swim Pool A	22,160.00
Purpose: Same as above G-11.		
From 38-2-1000-0100	Council Reserve	$ 13,295.00
To 38-2-2010-0101	Swim Pool A	13,295.00
Purpose: Same as above G-10.		
From 38-2-1000-0100	Council Reserve	$ 1,035.00
To 38-2-2010-0101	Swim Pool A	1,035.00
Purpose: Same as above G-9.		
From 38-2-1000-0100	Council Reserve	$ 1,969.00
To 38-2-2010-0101	Swim Pool A	1,969.00
Purpose: Same as above G-7.		

Adopted: 9/6/83

BID REQUEST 83-17 - AGRICULTURAL LIME - BID AWARDED TO YOUNGSVILLE MILLING COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on August 25, 1983, for agricultural lime with results as follows: Youngsville Milling Company - $15,000; Strickland Agri-Service - $17,962.50; Genco Maintenance - $21,000. ADMINISTRATION RECOMMENDS THE LOW BID SUBMITTED BY YOUNGSVILLE MILLING COMPANY BE APPROVED. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

BID REQUEST 83-18 - CONSTRUCTION OF GRAIN STORAGE AND DRYING FACILITIES - BID AWARDED TO BRECO, INC. - MAYOR AUTHORIZED TO SIGN CONTRACT

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on August 25, 1983 for construction of a grain storage and drying facility at the Neuse River Waste Water Treatment Plant. The result of the bid was as follows: Breco, Inc. - $89,021.05; Bradshaw Supply Company, Inc., - $90,000; Engineered Farm Systems, Inc., - $99,480. It was pointed out contact has been made with Breco and a deduction in the amount of $9,021.05 has been negotiated to bring the purchase price to the available funding of $80,000. IT IS RECOMMENDED THAT THE BID BE AWARDED TO BRECO, INC., IN THE AMOUNT OF $80,000, AND THAT THE MAYOR BE AUTHORIZED TO SIGN THE CONTRACT. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

BID REQUEST 83-19 FIRE HYDRANT - BID AWARDED TO PYCO SUPPLY COMPANY, INC.

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on August 25, 1983, for twenty-five fire hydrants with results as follows: Pyco Supply Company, Inc. - $11,360.25; Davis Meter and Supply - $11,450; American Darling Valve - 12,714.50. ADMINISTRATION RECOMMENDS THE LOW BID SUBMITTED BY PYCO SUPPLY COMPANY, INC., BE AWARDED. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

BID REQUEST 83-20 - STEEL SHELVING - BID AWARDED TO DILLON SUPPLY COMPANY

Pursuant to advertisement as required by law, bids were received, on a second request, and publicly opened in the office of the Purchasing Agent on August 25, 1983, for steel shelving with results as follows: Dillon Supply Company - $14,410.68; Blackstock's Inc. - $15,500; Lyon Metal Products - $22,407. ADMINISTRATION RECOMMENDS THE LOW BID SUBMITTED BY DILLON SUPPLY COMPANY BE AWARDED. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Agenda presented a recommended change in lane channelization on South Saunders Street at South Street and a No Parking Zone on Gardner Street. The Agenda outlines the need for the traffic changes and recommended adoption. Consent Agenda approval - Upchurch/Calloway - 8 ayes.

ORDINANCE NO. (1983) 177

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule 6B7 entitled "CHANNELIZATION" be amended by deleting the following:

Saunders Street, northbound at South Street

Section 2. That Traffic Schedule No. 6B9 entitled "CHANNELIZATION" be amended by adding the following:

Saunders Street, northbound at South Street

Section 3. That Traffic Schedule No. 13 entitled "NO PARKING" be amended by adding the following:

Gardner Street, west side, from Vanderbilt Avenue, northward 115 feet

Section 4. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. That this ordinance shall become effective September 13, 1983.

Adopted: 9/6/83

Effective: 9/13/83

THIS IS THE END OF THE CONSENT AGENDA

REPORT OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor York presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. Mr. Upchurch REQUESTED THAT CR-2079 (S-50-83) BE WITHDRAWN FROM THE CONSENT AGENDA. Mr. Edwards REQUESTED THAT HE BE EXCUSED FROM PARTICIPATION IN CR-2083 (S-103-83). He pointed out this a resubmission of a plan and his company has done some work on the project. Without objection, Mr. Edwards was excused from voting on CR-2083. Mr. Edwards MOVED THAT THE PLANNING COMMISSION'S RECOMMENDATION ON ALL ITEMS EXCEPT CR- 2079, WHICH WAS WITHDRAWN, BE UPHELD. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

The items on the Consent Agenda were as follows:

TC-229 - UNIT OWNERSHIP - APPROVED AS AMENDMENT - ORDINANCE ADOPTED

This was a request for approval to amend Section 10-3072 of the City Code (requirements for Unit Ownership (condominium) development) by deleting the section in its entirety; and by adding to Part 7, Article K, Unit Ownership, that all plans and documents shall be in accordance with the Unit Ownership Act, Chapter 47A, of the General Statutes of the State of North Carolina. Consent Agenda approval - Edwards/Calloway - 8 ayes.

ORDINANCE NO. (1983) 179 TC 195

AN ORDINANCE TO AMEND CITY REVIEW OF CONDOMINIUM DOCUMENTS.

WHEREAS, G. S. 47A-15 permits the recording of either approved building plans or as built building plans; and

WHEREAS, the City Code requirement that no building permits be issued until after the recordation of legal documents has resulted frequently in the duplicative recordings of approved building plans and as built plans; and

WHEREAS, Chapter 47A of the General Statutes creates a statutory means for establishing and regulating condomunium regimes but there is no similar statutory scheme for townhouses, planned unit developments and cluster unit developments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. That section 10-3072 of the Raleigh City Code relating to condominium development is hereby repealed in its entirety, rewritten, and reenacted to read as follows:

"Section 10-3072 - Requirements for unit ownership (condominium) development.

a. Before a declaration establishing a unit ownership development may be recorded in the Office of the Wake County Register of Deeds, as prescribed in the North Carolina Unit-Ownership Act, the declaration and preliminary plans shall be approved as provided in this chapter. Such declaration and preliminary plans shall conform to applicable subdivision requirements as set forth in this chapter and to the zoning requirements as set forth in Chapter 2 of this part.

b. In addition, the following requirements shall be complied with:

(1) The declaration shall be a complete legal document prepared strictly in accordance with the North Carolina Unit-Ownership Act.

(2) The plans of buildings to be attached to the above declaration and recorded shall be prepared in accordance with the North Carolina Unit-Ownership Act.

(3) If any streets or utility easements are to be dedicated for public use and maintenance, a separate subdivision plat shall be submitted and recorded in accordance with the requirements of this chapter.

(4) The declaration contains a statement that common expenses include as valorem taxes, public assessments or governemenal liens levied on common areas, if any.

(5) The declaration contains a statement which conforms to Raleigh City Code section 10-3074(b) if private driveways are used in lieu of public streets.

(6) The declaration contains a statement that all water lines not located in street rights-of-way which serve the development and all sewer lines not located in either street rights-of-way or City of Raleigh sanitary sewer easements which serve the development are common areas."

Section 2. The last sentence of subsection 10-3074(a)(1) of the Raleigh City Code, relating to review of documents by the City Attorney, is hereby amended to add after the word "attorney" the following words, "except documents by General Statutes, Chapter 47A".

Section 3. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 4. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Palnning Commission following a recommendation of the Planning Commission.

Section 5. If this oridinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 6. This ordinance shall be enforced as provided in N.C.G.S. 160A-175.

Section 7. This ordinance shall become effective five days following its adoption.

Section 8. This ordinance has been filed with the Wake County Register of Deeds as required by law.

Adopted: 9/6/83

Effective: 9/11/83

SUBDIVISION S-84-83 - SCHAUB DRIVE OFFICE CONDOMINIUMS - APPROVED WITH CONDITIONS

This was a request for approval to construct an 8,788 square foot office condominium project consisting of one (1) existing building and two (2) new structures on a 1.2 acre site, zoned Office and Institution-I. The property is located on the southwest corner of Schaub Drive and Western Boulevard, inside the City Limits.

CR-2080 from the Planning Commission recommended that this request be approved according to a map entitled, "Schaub Drive Office Condominiums," the property of Greenbrier Realty and Construction Company, drawn by McNeely Associates, dated August 6, 1983, with the following conditions: (1) That the legal documents for the non-profit unit owners association be reviewed and approved by the City Attorney's Office; (2) that the as-built drawings of the existing unit be revised and approved by the Building Permit Office; and (3) that Conditions (1) and (2) be met before the final plats are recorded. Consent Agenda approval - Edwards/Calloway - 8 ayes.

SUBDIVISION S-87-83 - MINE LAKE OFFICE CENTER - APPROVED WITH CONDITIONS

This was a request for approval to construct an 11,386 foot office condominium complex consisting of two (2) buildings on a 1.7 acre parcel which is currently undeveloped and zoned Office and Institution-III.

The property is located on the north end of Mine Lake Court, just east of Six Forks Road, inside the City Limits.

CR-2081 from the Planning Commission recommended that this request be approved according to a map entitled, "Mine Lake Office Center," the property of Hathway and Cady, drawn by Bass, Nixon and Kennedy, dated July 27, 1983, with the condition that the cross-access agreements and legal documents for the non-profit unit owners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval - Edwards/Calloway - 8 ayes.

PA-178 - MINE LAKE OFFICE CENTER - APPROVED WITH CONDITIONS

This was a request for approval to construct an 11,386 square foot office condominium complex consisting of two (2) buildings on a 1.7 acre parcel which is currently undeveloped and zoned Office and Institution-III.

The property is located on the north side of Mine Lake Court, just east of Six Forks Road, inside the City Limits.

CR-2082 from the Planning Commission recommended that this request be approved according to a map entitled, "Mine Lake Office Center," the property of Hathway and Cady, drawn by Bass, Nixon and Kennedy, dated May 27, 1983, with the condition that the cross-access agreements and legal documents for the non-profit unit owners association be reviewed and approved the the City Attorney's Office prior to recording the final plats. Consent Agenda approval - Edwards/Calloway - 8 ayes.

SUBDIVISION S-103-83 - MILL RIDGE CONDOMINIUMS REVISIONS - APPROVED WITH CONDITIONS

This was a request for approval to revise a previously approved subdivision plan for 190 condominium units on a 19.0 acre tract, zoned Residential-10. Phase I of this project is currently under development.

The property is located at the southwest corner of Ebenezer Church Road and Duraleigh Road, outside the City Limits.

CR-2083 from the Planning Commission recommended that this request be approved according to a map entitled, "Mill Ridge Condominiums Revisions," the property of Olde Raleigh Development Company, drawn by Jerry Turner and Associates, dated July, 1983, with the following conditions: (1) That the proper turnarounds are shown at the ends of the private drives in conformance with City standards; and (2) that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval - Edwards/Calloway - 7 ayes. (Mr. Edwards was excused from participation during vote on the Consent Agenda.)

SUBDIVISION S-113-83 - AVERY CLOSE CONDOMINIUMS - APPROVED WITH CONDITIONS

This was a request for approval to construct a 120 unit condominium project on 7.04 acres which are currently undeveloped and zoned Residential-30, providing 240 parking spaces and 4.17 acres of open space.

The property is located on the northwest side of Avent Ferry Road, between Varsity Drive and Crest Road, inside the City Limits.

CR-2085 from the Planning Commission recommended that this request be approved according to a map entitled, "Avery Close Condominiums," the property of Benchmark/Atlantic Corporation, drawn by Johnny T. Johnson and Associates, Incorporated, dated July, 1983, with the following conditions: (1) That Unit 28 is shifted so it conforms with Section 10-2075 (d)(3)c, setback requirements; and (2) that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval - Edwards/Calloway - 8 ayes.

SUBDIVISION S-125-83 - DORCHESTER VILLAGE, PHASE IV - APPROVED WITH CONDITION

This was a request for approval to construct a 13,200 square foot office condominium development showing three (3) buildings on 1.57 acres which are currently undeveloped and zoned Office and Institution-III.

The property is located on the north side of Benson Drive, inside the City Limits.

CR-2086 from the Planning Commission recommended that this request be approved according to a map entitled, "Dorchester Village, Phase IV," the property of Dorchester Association (Edd K. Roberts), drawn by Capital Designs and J. R. Billups and Associates, dated June 28, 1983, with the condition that the legal documents for the non-profit owners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval - Edwards/Calloway - 8 ayes.

PA-182 - DORCHESTER VILLAGE PHASE IV - APPROVED WITH CONDITION

This was a request for approval to construct a 13,200 square foot office condominium development showning three (3) buildings on 1.57 acres which are currently undeveloped and zoned Office and Institution-III.

The property is located on the north side of Benson Drive, inside the City Limits.

CR-2087 from the Planning Commission recommended that this request be approved according to a map entitled, "Dorchester Village, Phase IV," the property of Dorchester Associates (Edd K. Roberts), drawn by Capital Designs and J. R. Billups and Associates, dated June 28, 1983, with the condition that the legal documents for the non-profit owners association be approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval - Edwards/Calloway - 8 ayes.

PA-184 - LOUIS E. POOLE AND ASSOCIATES OFFICE BUILDING - APPROVED

This was a request for approval to convert an existing single-family unit into a 1,764 office building on a 0.4 acre parcel, zoned Office and Institution-II.

The property is located on the west side of Falls of the Neuse Road, just north of Falls Village Shopping Center, inside the City Limits.

CR-2088 from the Planning Commission recommended that this request be approved according to a map entitled, "Louis E. Poole and Associates Office Building," the property of Louis E. Poole and Associates, drawn by Jim Billups, dated July 1, 1983. Consent Agenda approval - Edwards/Calloway - 8 ayes.

SC-203 - WAKE ENTERPRISES - APPROVED

This was a request for approval to construct a 10,000 square foot building on a 0.96 acre parcel which is currently undeveloped and zoned Shopping Center.

The property is located at the southwest corner of Crabtree Boulevard and Timber Drive, inside the City Limits.

CR-2089 from the Planning Commission recommended that this request be approved according to a map entitled, "Wake Enterprises," the property of Wake Enterprises, Incorporated, drawn by C. Lawrence Vaughan, dated August 1, 1983. Consent Agenda approval - Edwards/ Calloway - 8 ayes.

SC-207 - "YOUR HOUSE RESTAURANT SIGN" - APPROVED

This was a request for approval to replace a damaged sign with a 96 square foot replacement on the existing poles. The site is zoned Shopping Center and is developed as a restaurant.

The property is located on the northeast corner of Glenwood Avenue (US 70) and Munford Road, inside the City Limits.

CR-2090 from the Planning Commission recommended that this request be approved according to a map entitled, "'Your House Restaurant' Sign," the property of "Your House Restaurant," drawn by Budget Sign Systems, Inc., dated July 25, 1983. Consent Agenda approval - Edwards/Calloway - 8 ayes.

REZONING Z-35-83 - CAROLINA PINES AVENUE - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 18 acres from Residential-4 to Residential-20.

CR-2091 from the Planning Commission recommended that Z-35-83 be approved as amended; that is, that approximately six (6) acres be rezoned to Residential-10, 9.3 acres be rezoned to Residential-6, 6.79 acres remain Residential-4, and 10-foot wide Conservation/ Buffer strips be established along Carolina Pines Avenue and at the end of Cherry Circle, according to the map entitled, "Z-35-83, P. C. Recommendation." Consent Agenda approval - Edwards/Calloway - 8 ayes. See Ordinance 178-ZC-125.

END OF PLANNING COMMISSION CONSENT AGENDA

SUBDIVISION S-50-83 - HERITAGE GREEN TOWNHOUSE DEVELOPMENT - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval to construct 80 townhouse units and create one (1) 1.53 acre lot on 17.84 acres which are currently undeveloped and zoned Residential-6.

The property is located on the south side of Sandy Forks Road and bounded on the west side by Eden Forest Subdivision and on the south side by Cedar Hills Park, inside the City Limits.

CR-2079 from the Planning Commission recommended that this request be approved according to a map entitled, "Heritage Green Townhouse Development," the property of Heritage Green Associates (Neal Hunt), drawn by Bass, Nixon, and Kennedy, Incorporated, dated April 28, 1983, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plat.

Mr. Upchurch indicated he had requested that this item be withdrawn from the Consent Agenda, indicating this subdivision has a road running through it which is basically a part of the road that goes through Cedar Hills Park. He indicated he feels that the item of the road should be cleared up once and for all before we go forward. He stated he would like to refer this to Law and Finance Committee. Mr. Jordan indicated as he understands it, the people who proposed the subdivision plan to develop it in phases and they will not be approaching the phase that involves the road for some two years. He indicated he understood that they had talked with someone in Planning about this matter. Discussion took place with Planning Director Chapman indicating, at this point, it has not been phased. Mr. Jordan indicated he had no problem with putting it in Committee but if it is not going to affect the road, he does not see holding it up. Ms. Babb indicated there had been a lot of discussion on the extension of Sweetbriar and she feels that the people in the neighborhood just want to make sure that the Council keeps an eye on it and are not going to let everyone get surprised. Mr. Edwards indicated the phasing line would be hard to determine at this point. Mr. Jordan indicated he understood it would be done in phases and the first phase does not involve the Sweetbriar extension. He stated, however, he had no objection to the matter being referred to Committee. Without objection, the item was referred to the Law and Finance Committee.

SUBDIVISION S-108-83 - MARVEL S. WILDER PROPERTY - APPROVED - VARIANCE GRANTED

This was a request for approval to subdivide a 19,110.12 square foot (.43 acre) lot into two (2) lots, zoned Residential-6. The site is currently developed with two (2) houses as a non-conforming use.

The property is located west of Brooks Avenue, on the north side of Barmettler Street, inside the City Limits.

CR-2065 from the Planning Commission recommended that this request be approved according to a map entitled, "Marvel S. Wilder Property," the property of Marvel S. Wilder, drawn by Niall W. Gillespie, dated July 20, 1983 (revision date); and that a variance to the minimum lot width be given to both lots, pursuant to Section 10-3004.

Planning Commission Chairman Woodlief presented the Subdivision and the Planning Commission's recommendation. Mayor York questioned why this was a unanimous recommendation in Planning Commission with Mr. Chapman indicating it did not meet the minimum lot width for conventional subdivisions. Mr. Edwards indicated he feels that the applicant and the neighborhood would benefit if this were approved, pointing out members of Council had received a letter from the University Homeowners Association.

Mr. Edwards moved the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Babb. Mr. Calloway questioned how long the houses have existed in this location, with Mr. Keller pointing out they were there prior to 1950. Mr. Edwards again indicated he felt it would be better to allow the subdivision so that each house would be on one lot and it would allow the owners to sell them or whatever. Mr. Walters indicated he would have to vote against it indicating he has information that it wasn't really two houses to begin with. He stated there is a lot of history behind this case that everyone does not know. The motion, as stated, was put to a vote and passed with all members voting in the affirmative except Mr. Walters who voted in the negative.

COMMITTEES, COMMISSIONS AND BOARDS

APPEARANCE COMMISSION - NOMINATIONS MADE

The City Clerk reported the term of David Malette, Jr., expires October 20, 1983. He is eligible for reappointment and his attendance record is good. Mayor YORK nominated Mr. Malette.

The City Clerk indicated the Youth Council's representative on the Appearance Commission is Barry Stroud and he has graduated from High School. The Youth Council recommends the appoint of Alyson Hyman, 3734 Swift Drive. Ms. Babb nominated Ms. Hyman. Mr. Upchurch indicated he felt Ms. Hyman would be a very good representative, pointing out she was his counterpart during Student Government month. No further action was taken.

ELECTRICAL EXAMINING BOARD NOMINATION MADE

The City Clerk reported the term of Larry Nunnery, representative of the Electrical Utility Company expires November 6, 1983. He is eligible for reappointment and his attendance record is good. Mr. Calloway nominated Mr. Nunnery.

GREENWAY COMMISSION - NOMINATIONS MADE

The City Clerk reported the following terms expire October 20, 1983 - Joy Downs, Eleanor Nunn, Julius R. Haywood, Juliette Newcombe, Lou Bryan. All eligible for reappointment and the City Clerk indicated the Council members received an attendance record attached to the Appointments memo. Mr. Keller indicated Joy Downs does not wish to be reappointed. Mr. Edwards nominated Eleanor Nunn, Julius R. Haywood, Juliette Newcombe, and Lou Bryan. Mr. Walters questioned if Mr. Edwards had contacted these people to see if they are willing to serve and will attend meetings, pointing out two of the people have not attended a meeting in over two years. Mr. Jordan nominated Dr. Tom Ellerman.

HUMAN RESOURCES AND HUMAN RELATIONS ADVISORY BOARD - NOMINATION MADE

The City Clerk reported one vacancy due to the resignation of Dr. Norman C. Camp. Mr. Calloway nominated George Sanders, 2215 Lyndhurst Drive. Ms. Babb indicated she could support Mr. Sanders but pointed out there are no women on this board. She questioned how this board could be enlarged. The City Clerk was asked to provide this information on the next memo. No further action was taken.

ARTS COMMISSION - NOMINATION MADE

The City Clerk reported one vacancy on the Arts Commission due to the resignation of Miller Sigmon. No nominations have been made. The Clerk indicated Council members received a memo from the Arts Director relative to the make up of the Arts Commission. Mr. Edwards nominated Robert Wharton. No further action was taken.

YOUTH COUNCIL ADVISORY BOARD - NO ACTION TAKEN

The Clerk reported the term of Kay Ferguson Letterman expired September 3, 1983. She is eligible for reappointment. Mr. Walters indicated Ms. Letterman is back in school and would not be able to attend the meetings, therefore she does not wish to be reappointed. No nominations were made.

PLANNING COMMISSION - NOMINATIONS MADE

The Clerk reported one vacancy due to the resignation of James R. Graham. No nominations have been made. Mr. Keller nominated John E. Rice, 316 South Boylan Avenue. Mr. Walters indicated for years he has been trying to get someone appointed to the Planning Commission from the Districts not represented. He stated he knows Mr. Rice and could support his appointment. Mr. Edwards indicated he knows that there are a lot of members on the Planning Commission from District A and E. He indicated he had discussed Mr. Rice's nomination with Mr. Keller and feels he would be a good candidate. Mr. Edwards indicated, however, he would like to nominate Robert Gardner. No further action was taken.

HOUSING APPEALS BOARD - APPOINTMENT MADE; ALTERNATE POSITION - NO NOMINATIONS MADE

The City Clerk reported the term of Frank Roberts, regular member on the Housing Appeals Board, expires October 8, 1983. He has been nominated for reappointment. Nominations have not been closed. There being no further nominations, Mr. Upchurch moved that nominations to the Housing Appeals Board be closed and Mr. Roberts

appointed by acclamation. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

The City Clerk reported there is one vacancy for an alternate member on the Housing Appeals Board, explaining the Council recently passed an ordinance enlarging the Housing Appeals Board. Ms. Babb questioned the breakdown on the Housing Appeals Board as it relates to minority and females. The City Clerk indicated she would supply this information on the next memo. No nominations were made.

TELECOMMUNICATIONS COMMISSION - NOMINATIONS MADE; CLERK TO SUPPLY MEMO ON BACKGROUND OF NOMINEES

The City Clerk indicated this is a nine member commission and nominations include Paul Vandergrift, Ted Hyman, John Kinney, Jr., and Tom Lindley. The Clerk indicated Council members received a memo from the Cable Administrator suggesting several categories that should be included on this commission. Mr. Walters nominated William R. Knight. Ms. Babb nominated Joan Barron and Karen Garr, teacher and president of the Wake County Classroom Teachers Association. Mr. Upchurch nominated John Cameron. Mayor York nominated Allen R. Blatecky. Mayor York nominated Noel Allen. Brief discussion took place on the categories suggested by the Cable Administrator and how the nominees, thus far, fit into those categories. The City Clerk was asked to work with the Cable Administrator in providing Council members with a memo showing the nominees and something about their background. No further action was taken.

FALLS LAKE ADVISORY COMMITTEE - NOMINATIONS MADE; CLERK TO FURNISH MEMO TO COUNCIL RELATIVE TO NOMINEES

The City Clerk indicated this is a five person committee with representation from certain categories and explained nominees thus far. Mr. Edwards nominated Arther Sullivan, indicating he could be in the Soil Specialist or At Large categories. Ms. Babb nominated Marty Hedgepeth for one of the Citizen At Large slots, pointing out she was one of the charter members of the Committee of One Hundred. Mayor York indicated after the last meeting, there had not been many suggestions, therefore, he had worked with Assistant City Manager Benton and come up with the following suggestions: Soil Specialist - H. Joseph Kleiss, Chris Meshaw - Corps of Engineers, David Reynolds - Water Quality; Miriam Bailey - Soil Conservation and Rick A. Linthurst - At Large - Water Quality. The City Clerk was asked to supply the Council with a memo listing all nominees and their qualifications prior to the next meeting. Mr. Jordan nominated Carol Nakoong for an At Large slot.

PARKS AND RECREATION ADVISORY BOARD - NOMINATIONS MADE

The City Clerk reported the term of Robert Gardner expires October 23, 1983. He is eligible for reappointment and his attendance record is good. Mr. Edwards nominated Mr. Gardner.

The City Clerk indicated May Sigmon, the Youth Council representative on the Parks and Recreation Advisory Board has graduated from High School. The Youth Council recommends that Kiran Sigmon be nominated as their representative on this Advisory Board. Mr. Upchurch nominated Ms. Sigmon.

DOWNTOWN ADVISORY COMMITTEE - APPOINTMENT MADE

The City Clerk explained that Miller Sigmon is the Arts Commission representative on this Committee. He has resigned from the Arts Commission. That Commission recommends that John Parker be designated as their representative on the Downtown Advisory Committee. Mr. Upchurch moved that Mr. Parker be designated the Arts Commission's representative on the Downtown Advisory Committee. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

PUBLIC NUISANCE - 509 EAST FRANKLIN STREET - REMOVED FROM THE AGENDA

Chairman Jordan reported the Law and Finance Committee recommends that this item be removed from the Agenda with no action taken as all Housing and Public Nuisance Codes have been met and the dwelling is in compliance. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ZONING CODE EVALUATION - PROCESS APPROVED - ITEM RETAINED IN COMMITTEE

Mr. Jordan reported the Law and Finance Committee recommends that the City develop a study program to evaluate the City of Raleigh Zoning Code with the understanding the study program would be developed by the Law and Finance Committee and the Citizens Advisory Council for recommendation back to the full Council.

Mr. Jordan indicated prior to making a motion, he would, as a point of personal privilege, like to hear Dr. Howard Miller speak on this item. Without objection, this was agreed to.

Dr. Miller indicated that this as being recommended by the Law and Finance Committee, hits very close to home with the CAC's and the RCAC's. He indicated one of the primary items of business on almost every CAC Agenda has to do with zoning. He

pointed out people are vitally concerned with the zoning process. He indicated every item that is mentioned and was discussed in this report has been the subject of a CAC meeting. He indicated it is the opinion of those who have had experience with the zoning process that it is time for it to be studied and reviewed and, hopefully, improved. He indicated they would request that the CAC's and the RCAC's have direct input in any such study.

Mr. Jordan presented Council members with a copy of the 1923 City Council minutes in which the first zoning code was adopted. He presented Council members, also with Mayor Ethridge's comments and read from these pointing out many of the problems then are the same as now. On behalf of the Committee, Mr. Jordan moved the recommendation, as outlined, be upheld. His motion was seconded by Mr. Calloway and a put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RALEIGH FORUM - INFORMATION RECEIVED

Mayor York indicated while Dr. Miller is in the audience, he would like, as a point of personal privilege, to bring up an item. He called on Dr. Miller.

Dr. Miller indicated the Association of Retired Faculty and the Division of Continuing Education at N.C.S.U. have developed a Raleigh Forum, which will begin its first series this fall. He indicated the Forum is designed to provide information on important contemporary issues to the general public in a way that will encourage discussion and expression of a variety of views on the subject. The general subject chosen for the forum to be held this fall is "High Technology and its Effects on the Raleigh - Wake County Community". He explained the forum in detail, pointing out, it will be held in the McKimmon Center on September 20, October 18, and November 15. He invited all Council members to attend.

Mayor York asked City Manager Zachary to distribute information on the Raleigh Forum on High Technology to staff members he feels would be interested. Mayor York indicated the only problem is the dates, pointing out City Council members would not be able to participate as all are City Council meeting dates. The item was received as information and appreciation expressed to Dr. Miller for his efforts in coordinating the Raleigh Forum.

SHAW UNIVERSITY ENCROACHMENT - APPROVED - ADMINISTRATION TO DISCUSS SALE OF PROPERTY

Chairman Jordan reported the Law and Finance Committee recommends that Shaw University be allowed to encroach on City right-of-way at the intersection of Blount and Bledsoe Streets to erect a fence around their International Studies Classroom Building. The Committee further recommends that the City enter into negotiations with representatives of Shaw University in order to sell/convey the City right-of-way to Shaw University as the property is no longer needed for street purposes. On behalf of the Committee moved the recommendation be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

SOCCER FIELDS - USE AUTHORIZED; FUNDS TO PURCHASE GOALS AUTHORIZED

Chairman Jordan reported the Law and Finance Committee recommends that the City provide three additional soccer fields at Chavis, Method, and Powell Drive Parks for use for soccer play and/or practice and appropriate $10,000 to purchase goals to be placed on City property for the soccer program carried on by the two independent soccer leagues in the City. Mr. Jordan moved the recommendation, as outlined, be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 176 TF-4.

SWIMMING POOLS - BILTMORE HILLS/RIDGE ROAD CHANGE ORDERS - APPROVED - FUNDS APPROPRIATED

Chairman Jordan presented the following recommendation explaining the Law and Finance Committee had worked with all parties involved and tried to come to an agreement: Seven change orders totalling $15,053 have been approved by the Engineer/City. No further action is needed on these change orders; however, the contractor had requested an extension of time amounting to 11 days. It is agreed that the request for the 11-day extension of time be allowed.

CO 981-1 - $4095.00 and 31 days extension of time - Approve
CO 981-2 (R1) - $1370.00 - Not allowed - Denied
CO 981-4 - To be submitted to the City for approval. The mechanical engineer is to collect money and submit it to the City. The City will honor the change order from the general contractor in the amount of $1035.00
CO 981-8 - Extension of time at Biltmore Hills for 15 days and Ridge Road for 7 days - no money involved. Approve
CO 981-13 - (Ridge Road) - $13,295.00 and 15 days extension in time - Approve total change order
CO 981-19 - (Ridge Road) - $22,160.00 and 19 days extension in time - Approve total change order
CO 981-20 - (Ridge Road) - Not allowed - Denied
CO 981-21 - (Both sites) - $319.00 and extension of time of one day. Approve money amount but deny extension of time
CO 981-22 - (Both sites) - $3663.00 - 14 days extension of time - Approve

CO 981-23 - (Ridge Road) - $1540 - 14 days - Deny
CO 981-24 - (Both sites) - To be submitted to the City for approval. The mechanical engineer is to collect money and submit it to the City. The City will honor the change order from the general contractor for the money but not the days.
CO 981-26 - 10 days extension of time - Approve
CO 981-25 - (Ridge Road) - $960 and one day extension of time - Deny total change order

In making these recommendations, it is understood that the Ridge Road pool will be open for swimming on September 17 and 18, 1983.

Mr. Jordan indicated that the money to cover these change orders would come from Parks bond referendum for the time being. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 176 TF-4.

SUBDIVISION S-13-82 AND PA-136 - ASHE PLACE MOTEL CONDOMINIUMS - ADDITIONAL CONDITION ADDED

Chairman Jordan reported the Law and Finance Committee recommends that the following condition be added to the subject approvals: "The units in this facility will be considered rooming units under the definition in the Raleigh City Code." On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller. City Attorney McCormick indicated the original approval indicates that prohibited uses would include residential, dormitory, and office, except for one office for hotel management purposes. He indicated this condition will remain as previously approved. He indicated the definition of rooming units prohibits cooking facilities. He indicated these units will still be used as hotel/motel units and people will be living there but there will be no cooking facilities. Mr. Walters indicated this project keeps being changed and all they will do is wait two years and come in and request permission for cooking facilities. He indicated it looks as if the Council will piecemeal breaking down the approval. City Attorney McCormick indicated the developer was just requesting clarification on uses. He indicated these uses will not be permanent dwelling units. He pointed out, under present provisions, there is no requirements on the length of stay at hotels and motels; that people can stay as long as they want. He pointed out rooming units do not have cooking facilities and many people want to stay at a place and do not want to cook. Mr. Walters questioned if we do not have hotels or motels with limited cooking facilities, with Mr. McCormick indicating the Guest House Provision allows some cooking units under certain criteria. It was indicated there would be no change to the previous approvals on this subdivision and plan approval - it would just clarify that the units in this facility are rooming units. The motion, as stated, was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

POSTELL STREET AREA - VARIOUS PROBLEMS - TO BE HANDLED THROUGH COMMUNITY DEVELOPMENT DEPARTMENT

Chairman Edwards reported the Public Works Committee recommends that the Community Development Department proceed with acquisition of necessary access and construction of the drainage ditch behind the homes on Postell Street to alleviate the drainage problems. It was reported that the school has completed their work and this work should resolve the problem. On behalf of the Committee, Mr. Edwards moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

DRAINAGE DITCH - LENOIR/BRAGG STREETS - TO BE HANDLED BY JOBS BILL PROGRAM

Mr. Edwards reported the Public Works Committee recommends that this item be removed from the Agenda as it is understood that design of the piping project is underway and will be constructed and bid by the Community Development Department utilizing the Jobs Bill money. On behalf of the Committee, Mr. Edwards moved the recommendation be upheld. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

GARBAGE CONTAINERS - HILLSBOROUGH STREET - TEMPORARY SOLUTION AUTHORIZED

Chairman Edwards reported the Public Works Committee recommends that the City install seven additional pebble textured containers along Hillsborough Street between Logan Court and Brooks Avenue to help alleviate some of the litter problems in that area. In making this recommendation, the Committee indicated that this would be a temporary solution as the Hillsborough Street Task Force is studying the problem and may recommend different types of containers than are now in service. The Task Force should be advised that this is a temporary solution while their study is ongoing. The Committee further recommends that a pebble textured container be located on Hillsborough Street between McDowell and Dawson Streets as a trash problem is evidenced there. Mr. Edwards indicated the Hillsborough Street Task Force has been advised that this is a temporary solution. Mr. Walters questioned if we had the metal containers, with it being pointed out the Public Works Department indicates we have enough pebble textured containers to take care of this situation. It was

pointed out they are portable. Mr. Walters indicated if we are still keeping the metal containers and have the pebble containers in stock, he sees no reason to continue keeping the metal containers. On behalf of the Committee, Mr. Edwards moved the recommendation, as outlined, be upheld. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

DRAINAGE PROBLEM - ROCHESTER HEIGHTS AREA - CORPS OF ENGINEERS TO BE REQUESTED TO DO STUDY; ITEM RETAINED IN COMMITTEE

Mr. Edwards reported the Public Works Committee recommends that Administration contact the Corps of Engineers and ask them to study the flooding problems along Walnut Creek in the Rochester Heights area. The Committee also recommends that this item be held in Committee pending receipt of information from the Corps of Engineers. On behalf of the Committee, Mr. Edwards moved the recommendation be upheld. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

SUBDIVISION S-101-83 - OAK RUN TOWNHOUSES - APPROVED WITH CONDITIONS; ADMINISTRATION TO CHECK EXISTING PAVEMENT

Chairman Edwards reported the Public Works Committee recommends that this request to construct ninety-two (92) townhouse units on 11.66 acres be approved according to a map entitled, "Oak Run Townhouses," the property of Oak Run Associates, drawn by Smith/ Sinnett and McNeely, Associates, dated June 30, 1983, revised June 28, 1983, with the following conditions: (1) that the legal documents for the nonprofit Homeowners Association be approved by the City Attorney's Office prior to recording the final plats; and (2) that the total street improvements to Oak Run Drive must be completed, inspected, and accepted by the City prior to the issuance of Certificates of Occupancy. The Committee also recommends that Administration inspect the existing improvements to Oak Run Drive and advise the developer of that portion of the street which will be accepted in the present condition or what work must be done before the existing pavement is accepted by the City. This recommendation is made with the understanding that existing and previous owners of Oak Run Drive will sign the map dedicating the entire street to the City. Mr. Edwards explained the difference in this approval and the recommendation from the Planning Commission, pointing out, basically the improvements are tied to the Certificates of Occupancy rather than building permits. On behalf of the Committee, Mr. Edwards moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

SUBDIVISION S-92-82 - MOFFITT SUBDIVISION - NO CHANGE

Mr. Edwards reported the Public Works Committee recommends no change in the previous approval of this subdivision. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

TUCKER CARRIAGE HOUSE - PROPOSAL CONCEPT RECEIVED AS INFORMATION; ITEM TO REMAIN IN COMMITTEE FOR CONTINUED WORK

Chairman Edwards reported, as matter of information, the Committee is working with the Housing Authority on a proposal for the preservation of the historic Tucker Carriage House. This proposal would involve a Review Committee and the Housing Authority agreeing, prior to marketing, upon a reasonable range of acceptable uses for the building. The Review Committee would consist of a representative from the Housing Authority Board of Directors, Historic Properties Commission, the North Carolina State Property Office, resident of the Carriage House Apartments, and a representative of the Raleigh City Council. Criteria for evaluation of any proposals received, as a result of the marketing program, would be devised in advance of the marketing program so that the proposals reviewed by the Committee could be fairly examined. The Planning staff will work on development of criteria for a report back to the Public Works Committee. The City Council should exercise review or right of final decision in this matter following the action of the Board of the Housing Authority. The Public Works Committee will continue working on how this will be handled.

The Committee recommends that the Housing Authority be requested, in this interim period, to clean up and maintain the property, especially removal of the vines that have covered the facade of the building. This item will remain in the Committee for further development of this proposal and recommendation back to Council.

On behalf of the Committee, Mr. Edwards moved the informational item as presented, be approved and the item retained in Committee. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

REZONING Z-5-83 - LAKE DAM ROAD/INTERSTATE 40 - REZONED - ORDINANCE ADOPTED

Chairman Calloway reported the Comprehensive Planning Committee recommends that the Planning Commission's recommendation (CR-1826) be upheld; that is, that the property covered by this application be rezoned from Residential-6 to Residential-10 (9.6), and from Residential-10 to Conservation/Buffer (approximately 3 acres) according to

map on file in the City of Raleigh's Planning Department, dated August 24, 1983. On behalf of the Committee, Mr. Calloway moved the recommendation be upheld. His motion was seconded by Mr. Edwards. Mr. Keller indicated he had been holding this rezoning case up for sometime, as he feels the very best use of this land would be for the City to purchase it and have the property utilized as a part of the Lake Johnson Park. He stated, however, the City did not have the money to do this. He indicated he felt the City made every effort to come up with the money and he is satisfied with that fact. He stated, in light of that, he does not feel in good faith that the City can continue holding up on the rezoning request. The motion, as stated, was put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 178-ZC-125.

REZONING Z-85-83 - LYNN ROAD - PROPERTY REZONED - ORDINANCE ADOPTED

Chairman Calloway reported the Comprehensive Planning Committee recommends that the Planning Commission's recommendation (CR-2077) be upheld, that is, to rezone the property covered by this application - Parcel 18, Tax Map 351, to Residential-10. On behalf of the Committee, Mr. Calloway moved the recommendation be upheld. His motion was seconded by Mr. Edwards and put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 178 ZC 125

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Lake Dam Road and Interstate 40, northwest corner of the intersection, being portions of Parcel 1, Tax Map 603, rezoned to Residential-10 (9.6 acres) and Conservation/Buffer (approximately 3 acres), according to map on file in the City of Raleigh Planning Department, dated August 24, 1983. (Z-5-83)

(b) Carolina Pines Avenue, south side, between Granite Street - Pecan Road and the Southern Railroad tracks, being a portion of Parcel 5, Tax Map 605, approximately 6 acres rezoned to Residential-10, 9.3 acres rezoned to Residential-6, and a 10-foot wide Conservation/Buffer strip along Carolina Pines Avenue and at the end of Cherry Circle, accroding to map entitled, "Z-35-83, P. C. Recommendation" on file in the City of Raleigh Planning Department. (Z-35-83)

(c) Lynn Road, north side, between Hearthridge Court and Summerland Drive, being Parcel 18, Tax Map 351, rezoned to Residential-10. (Z-85-83)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective on September 6, 1983.

Adopted: 9/6/83

COLLECTOR STREET PLAN AMENDMENT - CHARTER MEDICAL - REMOVED FROM THE AGENDA

Chairman Calloway reported the Comprehensive Planning Committee recommends that this item be removed from the Agenda with no action taken to change the Collector Street Plan. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Edwards which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE INTERGOVERNMENTAL LIAISON COMMITTEE

LOBBYING AND PROMOTION PROGRAM FOR THE CITY OF RALEIGH - APPROVED IN CONCEPT - TO BE REFERRED TO NEXT INTERGOVERNMENTAL COMMITTEE

Chairman Upchurch reported the Intergovernmental Liaison Committee recommends that the Council concur with the City Attorney's recommendation on a Lobbying and Promotion Program for the City of Raleigh; that is, Research and Information preparing Welcoming Packets for the incoming General Assembly and the City sponsoring a reception at the Civic Center in honor of the incoming Legislators. It is recommended that this item be referred to the Intergovernmental Liaison Committee as one of its first items after the new Council takes office with the understanding that the Committee would further develop this program for implementation.

Mr. Upchurch indicated the City Attorney had recommended as one of the items that the City obtain a membership in the City club. He indicated the Intergovernmental Committee did not feel that this was a good idea as we have many good restaurants and facilities that could be utilized and we could work with the City Club on a case by case basis. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Walters. Mayor York indicated he feels that this is a very good recommendation and he would like to commend the City Attorney for bringing this to the Council's attention in such a concise manner. Mayor York indicated he

felt that the City has done a good job in lobbying and promoting the City of Raleigh with their own delegation where we have not done such a good job is the total General Assembly. The motion, as stated, was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

WAKE COUNTY OFFICE BUILDING RELOCATION - NO ACTION TAKEN

Chairman Upchurch reported the Intergovernmental Committee recommends that this item be removed from the Agenda with no action taken. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Walters. Mayor York indicated he feels the action of the Committee is appropriate. He stated he feels the City has made its message clear and he will continue to advance the cause of Downtown Raleigh with the commissioners and hopes that each of the City Council will do the same. The motion, as stated, was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

U. S. #1 - REROUTING ON SOUTHERN LEG OF THE BELTLINE - CITY TO REQUEST STATE TO CONSIDER

Chairman Upchurch reported the Intergovernmental Committee recommends that the City Council request the State DOT to consider, as soon as possible, the rerouting of U. S. #1 onto the southern leg of the Beltline, as it is felt that this would relieve significant congestion on the northern portion of the Beltline and request the State DOT to consider doing this in the contract that will be let for traffic signing this year. On behalf of the Committee, Mr. Upchurch moved the recommendation be upheld. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

SIGN ORDINANCE - THREE ALTERNATIVES RELATING TO OFF-PREMISES SIGNS - PUBLIC HEARING AUTHORIZED

Chairman Upchurch reported the Intergovernmental Committee recommends that the three alternatives presented by the Appearance Commission be advertised for the September 22, Joint Hearing, noting that the advertisement should indicate this particular hearing will not be heard until 8:00 p.m. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller. Brief discussion took place, with Mr. Upchurch pointing out Council members received copies of the alternatives in their Agenda packets. Mr. Walters indicated there was an editorial recently in the newspaper that indicated not one member of the Appearance Commission favored alternative C. He explained that that was not totally correct, pointing out, the Commission polled its members and asked them to list their number one priorities. He indicated no one said that alternate C was their priority but it was the total membership of the Appearance Commission who recommended all three alternatives. The motion, as stated, was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

INTERGOVERNMENTAL LIAISON COMMITTEE AGENDA - SEVERAL ITEMS REMOVED

Chairman Upchurch reported the Intergovernmental Committee recommends removal of the following items from the Agenda with no action:

- Programs with City - County funding
- Development Policies of Falls of Neuse Basin
- Schedule B Privilege Licenses
- County Appropriations/Grants

On behalf of the Committee, Mr. Upchurch moved the recommendation be upheld. His motion was seconded by Mr. Keller and put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

CITY ART GALLERY PROPOSAL - SEED MONEY APPROPRIATED

Mayor York indicated the Downtown Committee, by split vote, recommends appropriation of $27,739 as seed money for planning and set-up of the first year development of the City Art Gallery and approve, in concept, their request for operating money for the second year, subject to their demonstrating satisfactory progress in selection and development of long-range plans. This recommendation is with the understanding the Council would have approval of the site of the Art Gallery and with the suggestion to the Board of Directors that they look for a location on the Fayetteville Street Mall or the City Market project area. A source of funds will be suggested at the meeting. This recommendation is with the understanding that all of the funds will be utilized for public purpose, they will not be drawn down all at one time but as needed, and will be subject to audit at the end of the year.

Mr. Zachary reported that the source of funding would be City Council contingency. Mr. Edwards moved the recommendation of the Committee, as outlined, be upheld. His motion was seconded by Ms. Babb. Mr. Walters indicated he was the negative vote, pointing out he is in no way against an art gallery-that he is very much in favor of a City art gallery. He stated, however, he just felt that the City should wait until a site is selected before funding the program. He indicated it is his feeling that

the City Council should approve the concept and a site could be selected before we hire a Director and secretary, knowing that these people may not ultimately be the Director and secretary. He stated he just felt we were getting the cart before the horse. Mayor York indicated in discussing this in the Downtown Committee, it was pointed out that the volunteer people had taken this as far as they could and they needed some staff people to continue the effort. The motion, as stated, was put to a roll call vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 176-TF-4.

DOWNTOWN BUSINESS DEVELOPMENT WORKSHOP - APPROVED - FUNDS APPROPRIATED

Mayor York indicated the Downtown Committee recommends approval of the recommendation from the Community Development Director and the Downtown Raleigh Development Corporation Executive Director for a Downtown Business Development Workshop as outlined in the August 15, memo (copy included in the Agenda packet) with the understanding that the City would be the lead agency and sponsor of the workshop. The City Manager will make a recommendation at the meeting relative to the need for a consultant at this workshop and a source of funds for the City's $2,000 contribution to this effort.

City Manager Zachary indicated in the past several years, we have been doing a lot of development in the downtown area. He stated we just do not have enough staff expertise to answer questions about Federally funded financing for private development such as this. He indicated he would support the need for an outside consultant, as he feels they would add greatly to this meeting. He indicated in setting up the Downtown Loan Pool program, there was money set aside to promote it and that would be the source of the City's $2,000 contribution to this effort. He pointed out that money is in Code Account 43-2-4050-0102. Ms. Babb moved the recommendation as outlined on the Agenda and incorporated in the City Manager's comments be upheld. Her motion was seconded by Mr. Calloway and put to a roll call vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RALEIGH'S DOWNTOWN AREA - PROPOSAL TO NAME - INFORMATION RECEIVED

Mayor York indicated Council members received in their Agenda packet information on this item. He pointed out it was submitted to the Downtown Committee as information and no action was taken. The item was received without comment.

DOWNTOWN COMMITTEE - SEPTEMBER 8 AGENDA - CONFIRMED

Mayor York indicated the next meeting of the Downtown Committee is scheduled for Thursday, September 8, at 2:30. He indicated the main two items on the Agenda relate to the reports from Cranston and Zuchelli Hunter, according to the timetable. He indicated he felt that we should add an additional item - Civic Center Plaza Design. Without objection, this item was added to the Agenda.

REPORT AND RECOMMENDATION OF THE GREENWAY COMMISSION

GREENWAY COMMISSION - REQUEST TO PURCHASE AND ACCEPT DONATION OF PROPERTY - REFERRED TO REAL ESTATE COMMITTEE

Phil Hinton, Chairman of the Greenway Commission, indicated he had been on that Commission for about two years and one of the biggest stumbling blocks was acquisition of property north of Shelley Lake. He indicated Key Homes of Greensboro has indicated they will sell the City 29 acres of land at $1,000 per acre and, in addition, give the City a 49 acre parcel along Walnut Creek. He indicated the parcel north of Shelley Lake is very important to the Greenway program and it would allow the connection of the Greenway all the way through this part of the City. He stated the Greenway Commission has been trying to acquire this property for a number of years and it is felt the only way it can be acquired it through purchase. Greenway Planner Mosher indicated Key Homes is willing to sell the parcel in the northern part of the City for a low price and also give the City the land along Walnut Creek. He pointed out that land is in the floodway and is land-locked but would be an important addition to the City's Greenway. Mr. Walters questioned if the two are connected, with Mr. Mosher indicating they are. Mr. Walters questioned if the City could acquire the property north of Shelley Lake without taking the property along Walnut Creek. Mr. Hinton indicated it is felt that if we had the property along Walnut Creek, it would allow us some flexibility in trying to clear up the flooding situation in that area. In response to questioning, Mr. Hinton indicated there is money in the Greenway account to purchase this property. Discussion took place with it being pointed out there are four additional parcels along Walnut Creek that are presently in the Real Estate Committee. Mr. Walters moved that the Greenway Commission's request be referred to the Real Estate Committee with the understanding that if a special meeting is needed, it could be scheduled. His motion was seconded by Mr. Jordan and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE COMMITTEE FOR THE NEW MUNICIPAL BUILDING

PARKING BIDS - JOINT AWARD MADE TO SUITT CONSTRUCTION COMPANY, TRIANGLE MECHANICAL CONTRACTORS, AND DIXIE INDUSTRIAL ELECTRIC; FUNDS SET UP FOR LANDSCAPING AND PARKING METERS

Mr. Edwards pointed out when the Municipal Building bids came in lower than expected, at that point the City saw the hope of being able to construct the adjacent parking

deck. He indicated that we have now received bids for the parking deck and we have found that we are able to complete the Municipal Building and the parking deck with the present Revenue Sharing funds and without having to rely on reenactment of the Revenue Sharing Program. Mr. Edwards presented Council members with a list of low bidders for the parking deck project and a copy of the complete tabulation. (Copy to be attached to Minute Book.) Mr. Edwards moved that the general contract be awarded to Suitt Construction Company for the base bid plus alternates 1, 2 and 3 for a total of $2,578,000; plumbing contract - Triangle Mechanical Contractors in the amount of $155,475 and the electrical contract to Dixie Industrial Electric in the amount of $207,828 for a total of $2,941,303 and approval of the necessary fund transfers and Capital Projects Budgetary Action Form as submitted. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 176-TF-4.

Mr. Edwards indicated the Committee for the New Municipal Building recommends approval of the reservation of $56,500 in order to have funds available when the City goes to bid on the landscaping for the parking deck. He outlined the transfer that would need to be made if this recommendation is upheld. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 176-TF-4.

Mr. Edwards reported the Committee for the New Municipal Building also recommends approval of the reservation of $41,800 for the purchase of parking meters to be installed in the deck and this money set aside. The information included the source of funds and the account in which the money would be reserved. On behalf of the Committee, he moved this recommendation be upheld. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 176-TF-4.

MUNICIPAL BUILDING CHANGE ORDER G-5 - APPROVED - FUNDS APPROPRIATED

Chairman Edwards reported the Committee for the New Municipal Building recommends approval of a change order in the amount of $1,095.29 for adding a door and frame between rooms 405 and 408. The purpose is to provide access to the room adjoining the Fire Chief's office so that he may bring his captains into the New Municipal Building. He indicated the source of funds would be Code Account 34-2-3805-0100 if the change order is approved. On behalf of the Committee, Mr. Edwards moved that the change order and transfer of funds, as outlined, be authorized. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 176-TF-4.

MUNICIPAL BUILDING - ENGINEER FEES FOR CHANGE ORDERS - PROCEDURE AND MONEY AMOUNT APPROVED

Mr. Edwards indicated the architect's contract for the Municipal Building calls for the architect to be paid for change orders on a fee basis and percentage of construction contracts. He indicated Council members received a breakdown from the City Manager showing the change orders and the fee that would be charged for the change orders which amounts to $3,789.85. The contracts on which the change orders were approved would be increased and the architect is to get a percentage of 5.5 for the additional contract amounts. He indicated this would amount to $1,521.45. This $1,521.45 and the $3,789.85 would make the total due to the architect, F. Carter Williams $5,311.34. Mr. Edwards moved approval of payment of the money as well as the procedure for payment for additional change orders to the architect. His motion was seconded by Mr. Upchurch and put to a roll call vote which resulted in all members in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

COMMUNITY DEVELOPMENT - FAIR MARKET ACQUISITION VALUE - APPROVED

Chairman Walters reported the Real Estate Committee recommends that the fair market acquisition value of $11,100 be established for property at 221 South Bloodworth Street. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Mr. Edwards and put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

NEW BERN PLACE CUL-DE-SAC - TO BE DECLARED ECONOMIC DEVELOPMENT AREA; DEVELOPER PROCESS APPROVED; FAIR MARKET DISPOSITION VALUES - ESTABLISHED

Mr. Walters reported the Real Estate Committee recommends that the New Bern Place Cul-de-sac section be declared an economic development area. He indicated that this action needs to be taken in the form of adoption of a resolution after the developer is selected. He indicated Council members received a developer selection process which has been prepared by the Community Development Department and the Real Estate Committee moves that the developer selection process with the criteria recommended by the Community Development Department and included in the Agenda packet be approved. His motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

Mr. Walters indicated the Real Estate Committee also recommends that the fair market disposition value of $230,835 on property at 227 New Bern Avenue and 9-11 North Person Street be approved. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

Mr. Walters explained this location, pointing out this site faces Haywood Hall and contains 21,000 square feet. He pointed out the site would have to be rezoned to O&I-II which would allow 40 units per acre. He indicated the development selection process outlines the public improvements that are being required, improvements to the private property, etc. He pointed out the public hearing for the rezoning is scheduled for September 22.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

CIVIC CENTER - PROPOSED RATE INCREASE - APPROVED - EFFECTIVE JANUARY 1, 1984

City Manager indicated the Civic Center Authority, at its most recent meeting, approved several rent rate increases. Administration recommends approval of the proposed rate increase effective January 1, 1984. City Manager Zachary indicated we have high hopes that we will not have any "red ink" for the operating part of the Civic Center budget by the end of this year. He indicated the bookings for 1984-87 look very good. Mayor York indicated that is a very positive step and he feels we are doing very well. Mr. Keller indicated the new caterer took over the Civic Center the first of the month. He indicated one of his civic clubs met there on Friday and it was one of the finest meals he had ever had at a facility such as this. He stated the food, service, everything was just outstanding. Mr. Upchurch moved approval of the rental rate increase effective January 1, 1984 as submitted. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

The new rental rates were as follows:

	Current*	Proposed
Civic Center Complex (Civic Center & Memorial Auditorium	$3,000.00	$3,700.00
Raleigh Memorial Auditorium	800.00/12%	850.00/12%
Civic Center:		
Entire Building	2,500.00	3,100.00
Main Level	1,850.00	2,500.00
Arena - Lower Level Only	1,000.00	1,100.00
Including Mezzanine	1,250.00/12%	1,350.00/12%
Basketball (high school and college)	1,250.00	No Change
Assembly Halls	500.00	550.00
Exhibit Halls	300.00	325.00
Lower Level Meeting Rooms:		
A	125.00	No Change
B	200.00	No Change
C	125.00	No Change
D	200.00	No Change
E, F, G, H	50.00/each	No Change
Civic Club Luncheon Rates	25.00	No Change
Move-in; Move-out; Rehearsals (limit to 2 move-in and 1 move-out days)**	½ rent	No Change

*The current rates became effective July 1, 1982
**Limits new

12% rate shown on Raleigh Memorial Auditorium and Civic Center arena relate to ticketed events. Such events are rented on an either or basis - Base rent of 12% of Gross Ticket Receipts after taxes.

STREET IMPROVEMENTS - WAKE FOREST ROAD - PROCEDURE AUTHORIZED

Councilman Walters has suggested that Wake Forest Road be widened north of Georgetown Road to Whitaker Mill Road. Administration contacted the State and proposed that the State carry out such widening. They have responded by saying that the State would be willing to construct the widening with their own forces if the City of Raleigh could obtain the right-of-way. We have prepared plans that we could use in contacting the three or four property owners in this area to determine if they would be willing to dedicate the narrow strip of right-of-way along their frontage in order to get a left-turn lane constructed to accommodate their businesses. A copy of this right-of-way plan will be available at the meeting.

Recommendation:

It is recommended:

1. That the City accept the proposal from the Highway Administrator; that is, the City provide the right-of-way for the proposed widening of Wake Forest Road and that the State would provide the construction of the widening.

2. That the property owners involved be contacted and request their dedication of the minimum rights-of-way and construction easements necessary for the widening of Wake Forest Road.

Mr. Walters moved the recommendations, as outlined, be upheld. His motion was seconded by Mr. Jordan and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

NORTH CAROLINA LEAGUE AND NATIONAL LEAGUE OF CITIES - VOTING DELEGATES - APPROVED

City Manager Zachary indicated it would be appropriate for the Council to select its voting and alternate voting delegates for the North Carolina League Meeting in Asheville and the NLC meeting in New Orleans. Mayor York indicated he would not be attending either. Brief discussion took place and Mr. Edwards moved that Mayor Pro Tem Walters be the City's voting delegate and Mr. Jordan be the alternate voting delegate at both meetings. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

PRIVILEGE LICENSE - UTILITIES - CITY CODE AMENDED

A misunderstanding of a State Statute resulted in the City's exemption of certain utilities from the privilege license tax. This results in a loss of $2,750 in revenue per year.

Recommendation: It is recommended that the deleted words be reinstated in City Code, Section 14-79, which were deleted from the new Code book in error. Ms. Babb moved that the Manager's recommendation be upheld. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 180

AN ORDINANCE TO AMEND THE SCHEDULE OF PRIVILEGE LICENSE TAXES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Schedule of Privilege License Taxes, Part II be amended and made to read as follows:

"ELECTRIC LIGHT AND POWER COMPANIES

Every person engaged in the business of furnishing electricity, electric lights, current power or gas or owning or operating a street railway or bus line for the transportation of freight or passengers for hire within the city shall apply for and obtain from the City Collector of Revenue a license for the privilege of engaging in such business and shall pay for such license an annual tax as follows:

(a) Electric light and power companies, each $2,000.00

(b) Each gas company supplying fuel or illuminating gas as a public utility $750.00"

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon the date of adoption.

Adopted: 9/6/83

SEWER ACREAGE FEE - PROPOSED NEW AREAS - REFERRED TO PUBLIC WORKS COMMITTEE

The New Perry Creek Development Policy adopted by City Council on July 19, 1983, sets forth a financing scheme for eventual construction of public sewer lines in the Lower Perry Creek and Neuse River Basin areas. One aspect of this policy is that sewer acreage fees be collected on all developments in the area affected, to be used to reimburse developers who construct oversized sewer lines under the requirements of the policy. Currently, no sewer acreage fee areas exist in most of the area affected by the policy. Two new acreage fee areas need to be created so that acreage fees collected can be properly allocated for reimbursement.

In addition, it would be appropriate to create a new sewer acreage fee area for the Turkey Creek Basin in anticipation of eventual public sewer extension into this area.

Recommendation: It is recommended that the City Council amend the 1980 existing Official Sewer Acreage Fee Map to add Sewer Acreage Fee Areas 21 and 22 (in the Perry Creek and Neuse River Basins) and 20 (Turkey Creek Basin). A map will be available at the meeting.

Additional Information: The boundaries for the new fee areas were carefully drawn so that they do not include developments which have been approved for City sewer connection, developments already connected to the system, or areas inside the City Limits as they existed on August 1, 1983. These requirements, as well as the

necessary realignment of some of the fee area boundaries to more closely conform to the actual drainage basins, cause slight adjustments of the boundaries of some existing adjacent fee areas as indicated on the available maps. However, these boundary changes will not affect reimbursement contracts presently being paid in these existing fee areas.

Several developments are pending or underway (Thorpshire, Durant Trails, Smoketree) which come under the New Perry Creek Development Policy. It is, therefore, important that the fee areas be adopted soon.

Mr. Edwards questioned if we are talking about water and sewer acreage fees or if we are talking about the other fees adopted for the Perry Creek Basin. Public Utilities Director Butler indicated this purely relates to the acreage fees but the boundaries do coincide to the boundaries for the facilities charge. Mr. Edwards indicated he is a little confused as we have two fees and two basins. Mr. Jordan indicated he thought Turkey Creek would be handled in about the same manner, with Mr. Edwards pointing out, we have adopted a facility fee to help finance construction of utility lines in the Neuse River area and in the Perry Creek Basin we have an additional fee per unit. Brief discussion took place and Mr. Edwards moved that the proposed new sewer acreage fee areas be referred to the Public Works Committee for study. His motion was seconded by Mr. Upchurch and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

CABLE STANDARDS ORDINANCE - PROPOSED AMENDMENT - PUBLIC HEARING AUTHORIZED

Some "utilities" are franchised with a stipulation that the companies be members of ULOCO. The Cable Standards Ordinance (1983-121) omits this requirement.

Administration feels strongly that such membership is important for ATC/Cablevision.

Recommendation: It is recommended that the Council authorize a public hearing for October 18, 1983, to consider amending the Cable Standards Ordinance as follows:

"Construction Standards

(h) Grantee shall maintain membership in ULOCO to assure coordination with all member utilities during the construction of the cable system."

Mr. Upchurch moved the recommendation, as outlined, be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

MEMORIAL AUDITORIUM ROOF - CONTRACT WITH H. S. ANNIS APPROVED

For years we have had problems with the Memorial Auditorium roof leaking.

Recommendation: It is recommended that the Council authorize the execution of a contract with H. S. Annis, Architect, for this roof work and to authorize the work at an estimated cost of $15,000. The architect's fee would be a maximum fee of $3,000 but based on an hourly basis. The source of funds would be as follows:

From:		
40-2-1000-100	Council Reserve - Civic Center Bond Fund	$3,000.00
To:		
40-2-1820-101	Memorial Auditorium Roof Repairs - Civic Center Bond Fund	$3,000.00

Mr. Upchurch questioned why we need an architect for this work. This was discussed briefly, with City Manager Zachary indicating the City staff contacted the Wake County schools to determine if they had any one on board who had expertise in roof inspection. He indicated the Memorial Auditorium is a little difficult or complex in that it has a concealed gutter. He indicated Mr. Annis has worked with the Wake County schools and it is felt that his expertise would help out in this job. Mayor York indicated roof repairs are very difficult and hard to determine. After brief discussion, Ms. Babb moved the Manager's recommendation be upheld. Her motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 176-TF-4.

REDEVELOPMENT SCHEDULE - DOWNTOWN EAST RESIDENTIAL REDEVELOPMENT - ADOPTED

Council members received copies of a preliminary schedule for the Downtown East Residential Redevelopment - Phase I, amendment to the Downtown East/East Side Redevelopment Plan in their Agenda packets. Administration recommends that the City Council adopt the Redevelopment Plan schedule. Mr. Walters moved Administration's recommendation be upheld which was seconded by Mr. Jordan and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED. The schedule is as follows:

September 1-30, 1983	Preparation of Plan Draft and Citizen Reviews

October 4, 1983	City Council Review and Referral to Planning Commission, and authorized Public Hearing for November 1, 1983
October 7, 1983	Planning Commission Review
October 24, 1983	Planning Commission Recommendations to City Council
November 1, 1983	City Council Public Hearing and Adoption

SANITARY SEWER EXTENSION - EQUITY AND INVESTMENT MANAGEMENT CORPORATION - AUTHORIZED CONDITIONALLY

This is a request from Equity and Investor Management Corporation to extend the sanitary sewer to serve a tract of land at the northeast corner of I-40 and NC 54 which is located outside the City Limits. The alignment would follow the western tributary to Richland Creek. The proposed route of the sewer main is shown on a map prepared by John Edwards and Company entitled, "Proposed Sanitary Sewer Extension to Serve Property Along NC 54," dated August 1983. A copy of the map will be available at the meeting.

Recommendation: It is recommended that this request for sanitary sewer extension be approved subject to the Public Utilities Department approving the detailed engineering plans, and the applicant obtaining the necessary State construction permits and the off-site sanitary sewer easements.

Mr. Edwards indicated he would like to be excused from participation in this matter. He indicated his company prepared the study. Mayor York indicated he owns some property in this area that might be affected by this extension, therefore, he too would like to be excused. Without objection, Mr. Edwards and Mayor York was excused from participation in this matter. Ms. Babb moved Administration's recommendation be upheld. Her motion was seconded by Mr. Upchurch and put to a vote which resulted in all members voting in the affirmative except Mayor York and Mr. Edwards who were excused. THE MAYOR RULED THE MOTION ADOPTED.

CIVIC CENTER - PROPOSED RENOVATIONS - REFERRED TO THE DOWNTOWN COMMITTEE

The Council has previously authorized schematic plans for renovations to the Civic Center. We have held action on these plans pending a decision about the underground parking in front of the Civic Center. Other general categories of renovation include the addition of rest rooms at the south entrance of the building and 3,800 square feet of storage area on the west side of the building.

Current bookings indicate that the use of the Civic Center will be extremely heavy for the next few years and we need to use the display space we now have for the use of storage. Administration does not believe we can wait longer to build the additional storage space and the rest rooms.

Recommendation: It is recommended that this item be referred to the Downtown Committee for study and recommendation.

City Manager Zachary indicated we need to do something right away, relative to the restroom facilities and storage, pointing out we need the restroom facilities oriented in such a way so that we can have more than one event at the time and coordinate the traffic flow. Mr. Jordan moved that this matter be referred to the Downtown Committee. His motion was seconded by Mr. Keller and put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

YORK HANNOVER - COMMENTS RECEIVED

Mayor York indicated he feels some consideration should be given by York Hannover to moving ahead with their next building. He indicated he knew that they did not have a major tenant at this point. He indicated there is lead time involved in getting someone into a building and a lot of times a corporation will want office space within four to five months and it would take 18 months to deliver it. He stated he would be talking with representatives of York Hannover about the possibility of them considering moving ahead.

E. M. JOHNSON EXPANSION - CHANGE ORDER NO. 2 BRYANT-DURHAM ELECTRIC COMPANY, INC. - REFERRED TO PUBLIC WORKS COMMITTEE

It was pointed out this is a change order which is an addition of $42,214 and involves 17 items. Council members received a list of the 17 items involved in this one change order in their Agenda packets. Mr. Edwards indicated he had gone over these change orders and they are all fairly small amounts but they add up and questioned why we are 17 at one time. Public Utilities Director Butler indicated he was just recently advised of these change orders. He indicated the work has been spread over a period of time and some of it is yet to be done. In response to questioning, it was pointed out that approximately one-third of the work has already been accomplished. Mayor York suggested that this matter go to Public Works Committee, pointing out it is a routine procedure to get the change order approved

before the work is done. Mr. Edwards moved that the change orders relating to the E. M. Johnson expansion be referred to Public Works Committee. His motion was seconded by Ms. Babb and passed unanimously.

ADDENDUM

PARKS AND RECREATION DEPARTMENT - CONTRACTUAL SERVICES AGREEMENT - DIRECTOR AUTHORIZED TO SIGN

It was pointed out, in order to simplify our payroll system and eliminate a great deal of paperwork, the Recreation Division would like to propose that all sports officials and special activity instructors such as bridge, art, slimnastics, etc., be paid on a monthly contractual basis beginning this fall. The Finance and Personnel Directors, as well as the City Attorney concur with this proposal. The City Attorney has drafted a proposed contract to be utilized, however had indicated that only the Mayor had the authority to sign contracts on behalf of the City. Therefore, Administration recommends utilization of this contract and for the Council to authorize the Recreation Director to sign the contracts on behalf of the City. City Attorney McCormick, in response to questioning, indicated there is no problem with handling it in this manner. Mr. Jordan moved the Manager's recommendation be upheld. His motion was seconded by Mr. Upchurch and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

CIVIC CENTER - RENT FREE USE - INFORMATION RECEIVED

The addendum indicated approval has been given for the rent free use of the Civic Center for Meeting Room C on Wednesday, September 28, 1983 for a CETA luncheon. The item was received as information.

PARKS AND RECREATION DEPARTMENT - BUDGET AMENDMENT - AUTHORIZED

The addendum presented a budget amendment in the amount of $10,250 to place into an expense account contributions made for the Capital City Trails. Administration recommends that the budget amendment increasing the revenue account and expenditure account be authorized. Mr. Upchurch moved the recommendation be approved. His motion was seconded by Mr. Edwards and passed unanimously. See Ordinance 175.

FINANCE DEPARTMENT - TRANSFER - AUTHORIZED

The addendum presented a transfer of $1,400 to provide funds for an electronic postal scale. Administration recommends approval of the transfer with the source of funds being Code Account 01-3-3100-0126. Mr. Upchurch moved the recommendation be upheld. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 176-TF-4.

CITY COUNCIL - PRIORITY WORK ITEMS - VARIOUS REQUESTS MADE

City Manager Zachary indicated Council members received, attached to their addendum, a copy of the status of priority work items established by the Council.

Mayor York indicated item 12 relates to the Dorothea Dix property. He indicated he had asked the Council secretary to contact the Governor again and try to get a meeting set up. He indicated in this same meeting, he would discuss the Capital Area Housing item also. He presented Council members with a letter drafted by the Planning Director relating to this item for Council's information. Mr. Upchurch indicated he feels one of the reasons that the Housing proposal failed, was not because of the people who are sitting in the General Assembly now, but because of some who were there in the past when the land was set aside.

Mayor York indicated item 6 is in Law and Finance Committee and the Private Sector Housing Committee made its report during the last Committee meeting and hopefully the Law and Finance Committee could make a report to the Council on September 20. He stated, however, the Private Sector Housing Committee had a proposed schedule attached to their minutes which indicated that the process would not be completed until December 20. He indicated it had a 45 day period for review by the Planning Commission and he would ask the City Manager to work with the Community Development Director to try to tighten up the schedule and have it coincide with what was originally proposed.

Mayor York indicated item 8 relates to swimming pools and the need to get the two that are presently under construction open and the contract for two more underway. He indicated we seem to tend to lose time in the planning process and he would suggest that the Law and Finance Committee proceed with the selection of the swimming pool design for the next pools as expeditiuosly as possible. Discussion took place on how the designer is going to be selected with Mr. Walters questioning if we will have to go through the whole procedure of selection again or if we can select from the last list, with City Attorney McCormick indicating that would be up to the Council. Councilman Jordan indicated we have to determine the location for the next two pools and then the Law and Finance Committee would recommend a process for selecting the Design Engineer. He indicated the Real Estate Committee is trying to tie down the locations and we need to get the Longview Garden acquisition question concluded. He called on the Real Estate Committee to push ahead and get the Longview question settled.

Mayor York indicated item 13 relates to transportation - Atlantic Avenue. He indicated some time back, Administration furnished a status report on the Atlantic Avenue project and he would like to request an update on that status report. He indicated he thought the letter was submitted by the Department of Transportation but at any rate, we could take that same memo and pencil in, in the margins, where we stand on each item.

REPORT OF CITY ATTORNEY

EXECUTIVE SESSION - AUTHORIZED

City Attorney McCormick indicated he would request the Council to have a short Executive Session to discuss the Charlie White case. It was agreed that the Council would go into Executive Session at the end of the meeting.

REPORT OF MAYOR AND COUNCIL MEMBERS

SWIMMING POOLS - CHANGE ORDER RELATING TO WATER AND SEWER LINES - REFERRED TO THE LAW AND FINANCE COMMITTEE

Mayor York indicated a change order for the Biltmore Hills/Ridge Road swimming pools in the amount of $21,968.73 that has to do with the water and sewer lines coming into the park and the acreage and tap-on fees has come to his attention. Without objection, Mayor York referred this change order to the Law and Finance Committee.

DOWNTOWN ADVISORY COMMITTEE - POSSIBILITY OF ENLARGING - TO BE PLACED ON CLERKS MEMO

Mayor York indicated Tony Lanzillo has expressed a definite interest in serving on the Downtown Advisory Committee. He indicated he feels that Mr. Lanzillo could be an asset,however he is not sure about enlarging the Committee. He requested the City Clerk to place this on the memo relating to appoint for consideration by the Council.

NCLM - RESOLUTIONS - APPROVED

Mayor York indicated the City Manager had sent a memo regarding possible resolutions relating to retirements and/or deaths for presentation to the North Carolina League Meetings. He indicated during the past year, Buddy Edwards, our Superintendent of Street Maintenance passed away and Chief R. E. Keith, of the Fire Department, retired. Mr. Upchurch moved that these two be recommended for resolutions at the NCLM meeting. His motion was seconded by Ms. Babb and passed unanimously.

REQUESTS AND PETITIONS OF CITIZENS - ADDITION OF DORIS TOLAN - APPROVED

Ms. Babb requested, as a point of personal privilege, that Doris Tolan, representing the Downtown Sales Company, be allowed to speak at Night Meeting. After brief discussion, it was agreed to add Ms. Tolan to the Agenda.

STREET LIGHTS - DIXIE TRAIL - ADMINISTRATION TO CHECK

Mr. Edwards indicated he received a call from a Ms. Butters on Dixie Trail indicating some street lights have been removed. He stated due to the unusual circumstances, he feels that it may be justified to replace at least one of the street lights. He asked that administration look into it and make a recommendation back to the City Council indicating he would supply the City Manager with information on the exact location. Without objection, the item was referred to Administration.

RIDGE ROAD SWIMMING POOL - DEAD TREES - ADMINISTRATION TO CHECK

Mr. Edwards indicated he had been contacted by Mrs. Summerlin at 1800 Stillwater Drive. He indicated the pool contractor is coming on to her lot in connection with the access road to the Ridge Road swimming pool. He indicated Mrs. Summerlin had stated the contractor has been very cooperative, however, there are some trees that have been damaged and are dying. He indicated he did not know if it was the contractors responsibility to remove the dead trees or if it is the City's responsibility. He asked Administration to look into this problem.

STREET LIGHTS - MILBURNIE ROAD - REFERRED TO ADMINISTRATION

Mr. Walters indicated a number of times he has asked Administration to look into the possibility of reinstalling a street light on Milburnie Road just east of Peartree. He indicated this is a bad curve and there is about 400 yards that is in total darkness. Without objection, Administration was asked to look into the item and give a report.

PUBLIC UTILITY PROJECT - CLIFTON STREET - TYPE OF TOP SOIL - REFERRED TO ADMINISTRATION

Mr. Walters indicated recently the Council authorized a public utility project of installing an oversized line on Clifton Street. He indicated he had received complaints from several residents regarding the type of soil the City is placing on the yards after the construction has been completed. He indicated it is red clay with rocks, curb, etc. He indicated the specific complaints came from 1207 and 1209 Clifton Street. Without objection, Administration was asked to look into this.

CANDLER SWIM CLUB - OFFER OF SALE - REFERRED TO ADMINISTRATION

Mr. Keller indicated he received a letter from John Candler offering to sell the Candler Swim Club to the City. He stated without objection, he would refer this to the City Manager for review and recommendation back to Council. Without objection, this was agreed to.

REQUESTS AND PETITIONS OF CITIZENS - CAROLE SAWACKI - ADDED

Mr. Keller indicated, as a point of personal privilege, he would like to add Carole Sawacki to the Requests and Petitions of Citizens Section tonight to report on a Parks and Recreation matter. Without objection, it was agreed to add Ms. Sawacki.

REPORT AND RECOMMENDATION OF THE CITY CLERK

MINUTES - AUGUST 16 APPROVED AS PRESENTED

The City Clerk indicated Council members received copies of the August 16, 1983, Council Meeting minutes. There being no correction, Mr. Jordan moved approval of the minutes as presented. His motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

PRELIMINARY ASSESSMENT ROLLS 999 AND 686 - ADOPTED

The City Clerk presented sewer assessment roll 999 and paving assessment roll 686 and recommended that the Council adopt the preliminary assessment rolls which would set a public hearing to consider confirmation of cost during the October 1983 meeting. Mr. Edwards moved adoption of the preliminary assessment rolls. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 331
RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL
SEWER ASSESSMENT ROLL NO. 999

WHEREAS, by Resolution No. 1983-230 adopted by the City Council on May 3, 1983, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of 650' of eight-inch sanitary sewer main in Bland Road between Wake Forest Road and Trently Court.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $6,276.81.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessments is front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
David & Kathryn Jones	1	0052254	1	70.57	$ 774.15
Adams Bilt Co.	2	0051611	2	150.0	1,645.50
Claude W. Brown	3	0008919	3	150.0	1,645.50
Charles H. Allred	4	0001594	4	201.61	2,211.66

Cost per foot: $10.97

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes

of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 999 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 4th day of October, 1983, at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 9/6/83

RESOLUTION NO. (1983) 332
RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL
PAVING ASSESSMENT ROLL NO. 686
Powell Fund

WHEREAS, by Resolution No. 1981-486 adopted by the City Council on 3/17/81 the local improvements hereinafter referred to were authorized and directed pursuant ot Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of curbs, gutters, drains, and paving 27 feet back-to-back on Wakefield Street from Ashe Avenue to Tryon Street.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $14,534.23.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvement. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	FRONTAGE	TOTAL STREET ASSESSMENT	DRIVEWAY REPLACEMENT COST	TOTAL ASSESSMENT
William Bolton, Jr.	1	0074578	50.00	1,021.78		1,021.78
William & Elsie Bolton, Jr.	2	0006897	115.92	3,609.09		3,609.09
G. D. Wright	3	0079866	80.00	1,483.78		1,483.78
James T. Tunstall & Etal.	4	0071512	90.13	901.30		901.30
Bolton Corp.	5	0022656	229.27	6,676.18		6,676.18
Edwin & Hellon Utley	6	0055912	84.21	842.10		842.10

Total Cost of Project	$18,734.44
Total Cost of Property Owners	14,534.23
Total Cost of City of Raleigh	4,200.21

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of

Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 686 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 4th day of October, 1983, at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject ot confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 9/6/83

TAXES - REBATES AND/OR REFUNDS - RESOLUTIONS ADOPTED

The Clerk reported Council members received in their Agenda packets three proposed resolutions relating to tax rebates and/or refunds which are recommended for adoption. She also recommended that the Council approve the listing submitted by the Wake County Tax Supervisor for refunds due to clerical error purposes only during the month of July. Mr. Upchurch moved adoption of the resolutions and the listing as submitted. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative.

RESOLUTION NO. (1983) 333

A RESOLUTION REFUNDING TAXES AS SET FORTH HEREIN

WHEREAS, The proper tax authority of the City of Raleigh has reported to the City Council that certain taxes appearing upon the tax records of the City of Raleigh, listed below, should be refunded for the reasons given; and

WHEREAS, the City Council finds as a fact that the reason in each instance for the refund of the tax is true, and that the same should be allowed; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following taxes heretofore assessed be and the same ordered refunded as may be indicated below:

YEAR	TAXPAYER	ACCOUNT NO.	AMOUNT	REASON
1983	Behling, Bud Leasing Inc.	01-1-5198324	21.19	Error-Illegal Bill
1982	Caldwell, Linda Paulette	01-2-5705983	46.44	Error-Illegal Bill
1982	Foster, Dallas Edward Jr.	01-2-5210075	88.40	Error-Illegal Bill
1982	Gore, Bhagirath Kumar	01-2-5231376	52.86	Error-Illegal Bill
1982	Leonard, Jordan & Broadwell	01-7-5236594	89.12	Error-Illegal Bill
1982	Mirza, Erna	01-2-0047660	6.62	Error-Illegal Bill
1981	Mirza, Jehangir F. & Erna	01-2-0047660	6.55	Error-Illegal Bill
1980	Mirza, Jehangir F. & Erna	01-2-0047660	6.55	Error-Illegal Bill
1981	Parker, Jonathan Daniel	13-2-5219745	7.90	Error-Illegal Bill
1982	Sauls, Charles Timothy	01-2-5732961	33.09	Error-Illegal Bill

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the Raleigh City Council.

Adopted: 9/6/83

RESOLUTION NO. (1983) 334

A RESOLUTION APPROVING TAX EXEMPTION AS DESCRIBED

WHEREAS, pursuant to N. C. General Statutes 105-285.3, exemption from taxation was available for the property owners, listed below; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to request relief in a timely manner was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following be approved for exemption from taxation:

YEAR	TAXPAYER	AMT. OF VALUE	RECOMMENDATION
1983	Deliverance Center	$143,531	Granted
1983	Manasseh Church of God & Christ	18,960	Granted.

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 9/6/83

RESOLUTION NO. (1983) 335

A RESOLUTION ADJUSTING, REBATING OR REFUNDING PENALTIES AND RELIEVING INTEREST FOR LATE LISTING OF PROPERTY FOR AD VALOREM TAXES

WHEREAS, pursuant to G. S. 105331, a 10% penalty was assessed against the property owners listed below for failure to list their taxable property during the regular listing period; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to list on time was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 10% penalty assessed against the property of the following named persons be and the same is hereby adjusted, rebated or refunded as shown:

YEAR	TAXPAYER	ACCOUNT NO.	TAX VALUE	RECOMMENDATION
1983	Hamilton/Avnet Electronics of N. C., Inc.	01-1-5165401	$1,113,674	Relieved
1983	Dennis J. Buda	07-2-5249278	12,285	Relieved
1983	William R. Carter	11-2-5249302	4,025	Relieved
1983	Floyd Edward Cohoon	01-2-5408150	3,960	Relieved
1983	Floyd Edward Cohoon	01-8-5408151	6,230	Relieved
1983	Ardis Kemp Cohoon	01-8-5408149	8,350	Relieved
1983	Jane E. Gallagher	01-2-5249299	2,626	Relieved
1983	Amor H. Miller	01-8-5808340	1,000	Relieved
1983	Lerma B. Murray	17-2-5249322	3,500	Relieved
1983	Martha Hinton Paisley	01-2-5238008	18,438	Relieved
1983	Peirson & Whitman, Inc.	07-7-5431281	2,000	Relieved
1983	Merton Thor Puckett, Jr.	07-2-5250005	11,687	Relieved
1983	Paul Lee Salisbury, Jr.	01-2-5251151	19,987	Relieved
1983	David J. Smith	01-2-5249287	4,720	Relieved
1983	Ronald W. & Nancy H. Steele	07-2-5249626	13,705	Relieved
1983	Telerent Leasing Corp.	01-1-5248092	675,606	Relieved
1983	Telerent Leasing Corp.	01-1-5222257	1,089,135	Relieved
1983	Telerent Leasing Corp.	01-1-5137405	490,770	Relieved
1983	Telerent Leasing Corp.	13-7-5248095	12,570	Relieved
1983	Telerent Leasing Corp.	20-7-5248098	8,757	Relieved
1983	Telerent Leasing Corp.	20-7-5248101	22,861	Relieved
1983	Telerent Leasing Corp.	16-1-5029335	1,338,039	Relieved
1983	Joseph Ward Tile & Terrazzo	01-7-5239360	38,150	Relieved
1983	Martha Winslow Woodson	01-2-5444915	5,450	Relieved

Section 2. That the following requests for relief be denied:

YEAR	NAME	AMOUNT
1983	Earl D. Carter	$ 3,290
1983	Earl D. Carter	3,290
1983	Earl D. Carter	1,059
1983	Earl D. Carter	1,253
1983	Earl D. Carter	1,135
1983	Patricia Lynch Carter	4,300
1983	Robert Coleman Lennon	2,540
1983	Arch Edgar Lynch, Jr.	7,650
1983	Steak & Ale of N. C., Inc.	193,356
1983	John W. Winters	3,330

Section 3. That the City/County Tax Collector and/or the City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 9/6/83

EXECUTIVE SESSION - HELD

Mr. Upchurch moved that the Council go into Executive Session with the City Attorney to discuss the Charles White case. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

The City Council went into Executive Session in the old Council Office at 3:30 p.m. The Council reconvened in open session at 3:45 p.m. Mr. Jordan moved that the meeting adjourn. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. THE MAYOR RULED THE MEETING ADJOURNED AT 3:45 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

ayw/CC 9/6

The City Council met in regular reconvened session on Tuesday, September 6, 1983, at 7:00 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor York, Presiding
Ms. Babb
Mr. Calloway
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Walters
Mr. Upchurch

The Mayor called the meeting to order and the following items were discussed with action taken as shown.

REQUESTS AND PETITIONS OF CITIZENS

NORTH CAROLINA HOUSING FINANCE AGENCY - RESOLUTION RELATING TO PARTICIPATION - ADOPTED

David Permar, representing Crow-Terwilliger Company, was at the meeting requesting the Council to adopt a form resolution authorizing participation in the North Carolina Housing Finance Agency and a non-subsidized residential development located on Lynn Road. Attorney Permar indicated this is a 10 acre site on the north side of Lynn Road which was zoned Residential-10 in early August. He indicated Council members received information and a copy of the form resolution in their Agenda packets. In response to questioning, City Manager Zachary indicated he had no comments from the staff. Mr. Edwards explained his company has previously done some work on this property, therefore, he would like to be excused from participation. Without objection, Mr. Edwards was excused. Mr. Upchurch moved adoption of the resolution as requested. His motion was seconded by Mr. Jordan and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 336

RESOLUTION REQUESTING AND APPROVING THE PARTICIPATION OF THE NORTH CAROLINA HOUSING FINANCE AGENCY IN THE FINANCING OF A PROJECT TO BE LOCATED IN THE CITY OF RALEIGH, NORTH CAROLINA. BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. The participation of the North Carolina Housing Finance Agency (The Agency) in the financing of the proposed housing project for occupancy by persons and families of lower and moderate income (as defined by the Agency) described below and located at 600 Lynn Road in the City of Raleigh is hereby requested and approved pursuant to G. S. 122A-5(1):

Description of Proposed Project: Approximately 101 apartment units to be developed on approximately 10.3 acres of land.

Section 2. This resolution will take effect upon its passage. Thereupon, upon motion of Mr. Upchurch, Seconded by Mr. Jordan, the foregoing resoluton was passed by the following vote:

Ayes: Sandra Babb, Arthur Calloway, John A. Edwards, S. Tony Jordan, Jr., Walter Keller, Avery Upchurch, Edward A. Walters, G. Smedes York

Noes: None

Witness my hand and the corporate Seal of said City, this 12th day of September, 1983.

Gail G. Smith
Clerk

ASSESSMENT - BROOKHAVEN DRIVE - REFERRED TO PUBLIC WORKS COMMITTEE

Mr. and Mrs. Thomas Brosnahan, 4722 Brookhaven Drive, were at the meeting to request reconsideration on the utility assessment against lot number 60 and 61 according to the assessment roll map for this project. Mr. Brosnahan indicated their home is built in the middle of two lots, subdivision lots 5 and 6. He presented a map showing the location of his home on the two lots. He indicated the utility assessment for this particular project was on the per lot basis rather than the front footage basis in order to be more equitable in the distribution of the cost. He indicated he understands that if their home were built under today's rules and regulations, that they would have to file for recombination and combine the lots prior to building the house. He indicated he did not think it was the intent for them to have to pay the assessment for two lots, pointing out their home occupies the two lots and they could not do anything with the second lot. Chief Engineer Thomas indicated the assessment was on a per lot basis and explained Ordinance 1976-312 defines "lot" and the assessment on this project was based on that Ordinance. Mr. Edwards indicated according to the plot plan, Mr. and Mrs. Brosnahan's house technically have one lot. He indicated if they come to get a building permit today, they would have to go through the recombination process. Mr. Edwards indicated he believed the intent was to assess each building lot and each home on this project. He pointed out Mr. Brosnahan could recombine into one lot now. Mr. Edwards indicated, based on the

intent of the assessment, he would move waiver of the assessment on one lot contingent upon the Brosnahan's recombining the property. Mayor York questioned if their were similar situations in Brookhaven with Mr. Brosnahan indicating he thought that the developer recombined most of the lots prior to construction of the houses. City Attorney McCormick indicated if the assessment was waived, the Council would probably have to reassess the total project with Mr. Edwards pointing out he did not know how we could go back and redistribute the whole project, pointing out may be there was some money in the Utilities budget for this cost. Brief discussion took place and City Attorney McCormick pointed out if it is the Council's wish to waive this assessment, to place it in a Committee to allow Administration an opportunity to study it and make a recommendation. Mr. Edwards withdrew his motion and moved that the request for waiver of the utility assessment against the Brosnahan's be referred to Public Works Committee. His motion was seconded by Mr. Upchurch and passed unanimously.

PLAN APPROVAL - "TOKEN PLEASURES" - REFERRED TO LAW AND FINANCE COMMITTEE

A representative of "Quality Plus" was at the meeting indicating he was representing "Token Pleasures" or "Sacks". He explained that this property is adjacent to "T. K. Tripps" and "Taco Bell" on Falls of Neuse Road. He pointed out this plan was submitted showing 78 parking spaces and was approved that way. He indicated, after studying the plans, he feels that is too many. He stated he was at the meeting to ask the Council to reconsider or recalculate the number of required spaces. He explained the parking requirements and how he calculated what he felt the City requires. He explained that Zoning Inspector Watkins indicated he felt that there was an error in the required parking spaces, however, the Council is the only one that could change the requirement. He pointed out this property is zoned Shopping Center, therefore, the number of spaces were laid out in the site plan approval and only the Council could change that. Brief discussion took place and by general consensus it was agreed to refer this matter to the Law and Finance Committee and let them review the site plan with Administration and bring a recommendation back to Council.

COLLECTOR STREET PLAN - REQUEST FOR DELETION OF WOODLAWN DRIVE - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

Dennis C. Priest, 4917 Professional Court, was at the meeting representing K. C. House, Jr. Mr. Priest explained on August 1, 1983, preliminary subdivision plan entitled, "An Addition to Springdale Estates", was presented to the City. On August 10, the staff reviewed the project and commented that Woodlawn Drive should be designed as a collector street and that it should be extended to the project's boundary. He indicated Woodlawn Drive is currently shown as a collector street on the major street plan, however, he and his client feel that this designation is not in the best interest of the City of Raleigh, nor the residents of the extra-territorial area. He indicated there appears to be no feasible route by which Woodlawn Drive could connect to any other existing or proposed collector street and an extension would bring the street into close proximity to either one or both of two large and expensive dwellings and extensions of the street, in his opinion, would greatly damage these dwellings. He stated the residents of Springdale Estates have historically opposed the extension of Woodlawn Drive as a collector street and they all feel that the potential traffic would disrupt the character of their neighborhood. Mr. Priest indicated he has been informed by staff that they will support the request that this street be deleted from the major street plan. He indicated he is making this request so the Planning Commission could approve their subdivision request. He stated they normally will not approve a subdivision that is not in conformance with the collector street plan. Mr. Priest asked that the President of Springdale Estates subdivision be allowed to speak. The President indicated they have enjoyed two entrances to the subdivision for quite some time. He indicated they feel that that contributes to the lack of vandalism that they presently enjoy and to add the third entrance, they feel, would open up the opportunity for additional possibilities of vandalism. He pointed out the people who live on Woodlawn Drive purchased their property with the thought in mind that it was a dead end street or a cul-de-sac. He indicated the traffic situation flows very smoothly now and they would like for it to continue as it is presently set up. Approximately five people stood in support of his remarks. Brief discussion took place and Mr. Calloway moved that the request to amend the collector street plan by deleting Woodlawn Drive be referred to Comprehensive Planning Committee. His motion was seconded by Mr. Jordan and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

STREET IMPROVEMENTS - BARRINGER DRIVE - RESOLUTION OF INTENT ADOPTED

The Agenda indicated a petition signed by sixteen of the twenty-two owners, representing 60.57 percent of the linear footage has been received for the installation of curbs, gutters, drains and paving 31 feet back to back on Barringer Drive from Jones Franklin Road to Jones Franklin Road. It was pointed out the next step, if the Council so desires, would be adoption of a resolution of intent to consider the project at a public hearing on October 4, 1983. Mr. Keller moved adoption of a resolution of intent as outlined. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. 1983-337

A PRELIMINARY RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO MAKE STREET IMPROVEMENTS AS DESCRIBED HEREIN AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council under the provisions of Section 6.44 of the Charter of Raleigh, Chapter 1184 of the Session Laws of North Carolina, 1949, as amended, is authorized to require street improvements without petition under the conditions therein set out; and

WHEREAS, the City Council finds that improvements as described herein are necessary in the public interest; that the owners of property abutting the improvements are unwilling or have failed to sign a petition for such improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Section 6.44 of the Charter of the City of Raleigh; Chapter 1184, Session Laws of North Carolina, 1949, as amended:

Installation of curbs, gutters, drains and paving thirty-one feet back-to-back with one and one-half inch of asphalt surface on a five-inch base on Barringer Drive between Jones Franklin Road and Jones Franklin Road.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner to the extent that the same shall be assessable under the provisions of Resolution NO. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e., the cost of one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh).

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains, and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 4. That the terms and manner of payment of street improvement assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation to the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

Section 6. That a public hearing on all matters covered by this resolution shall be held on the 4th day of October, 1983, at 7:00 p.m., in the Council Chamber of the Municipal Building, Room 315, in the City of Raleigh, North Carolina, or as soon thereafter as the matter can be reached.

Adopted: September 6, 1983

UNSAFE BUILDING DEMOLITION COST - REQUEST FOR WAIVER - REFERRED TO LAW AND FINANCE COMMITTEE

Mrs. Margaret Rose Murray was at the meeting to request an adjustment or a waiver in the City's penalty, interest and demolition cost relating to property at 2928 O'Kelly Street in the name of Mary Eleanor Wilder. Mrs. Murray indicated she purchased the property and was told that all assessments except the current tax were being paid by the former owner, Mrs. Wilder, however, she has not made any arrangements to handle this. She requested that the Council forward the expenses to her but as the new owner she is requesting that no charges be levied against her. She indicated she purchased the property some 2½ years ago. Mayor York questioned if she was aware of the liens against the property when she purchased it. City Attorney McCormick indicated Attorney Clyde Holt had stated Mrs. Murray did not have a title search done, with Mrs. Murray indicating a title search was done by her attorney. She indicated Attorney Holt, who represented the City in this case had told her the amount of expenses that she would incur in purchasing this property but the amount he gave her was less than half of what it has actually cost. City Attorney McCormick indicated Mr. Holt had sent a letter to the Council explaining the situation and he

was not aware that the Council had not received copies of the letter. Brief discussion took place and Mr. Keller moved that the request to waive the penalty, interest and cost relating to 2928 O'Kelly be referred to Law and Finance Committee. His motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

PRIVATE BUS SERVICE APPLICATION - "ENTERTAINMENT EXPRESS" - PUBLIC HEARING AUTHORIZED

It was pointed out an application has been received from Charles G. Willard, Jr., for a private bus service permit to operate nighttime transportation service known as, "Entertainment Express". The next step, if the Council so desires, would be to authorize a public hearing on September 20, 1983, to consider the application.

Mr. Willard briefly explained the service he wishes to provide. Brief discussion took place and Mr. Upchurch moved that a public hearing be authorized on September 20 to consider the application. His motion was seconded by Mr. Jordan. City Manager Zachary indicated the Department of Transportation has stated the Transit Authority would consider this application at its September 9 meeting and make a recommendation to the full Council at the September 20 hearing. Mayor York questioned if this has worked elsewhere with Mr. Willard indicating it has been successful in Birmingham, Alabama. The motion, as stated, was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

BUILDING - DEFINITION CLARIFICATION - REFERRED TO LAW AND FINANCE COMMITTEE

Tom Coffey, representing Development Associates, Inc., was at the meeting to request the Council to clarify the ambiguous definition of the word "building" in the present City Code. Mr. Coffey indicated when you start attaching buildings together with anything other than heated space, you get into the question of whether it is one building or two buildings. He stated he has had it interpreted several ways by different inspectors. Mr. Coffey indicated that one of the Council's Committees is looking at the update of the Code and this might be a good item to consider. He indicated he felt that it would be helpful to the City Administration if this was interpreted by the Council. Mr. Jordan moved that the request for the clarification of the definition of "building" be referred to Law and Finance Committee. His motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

COLLECTOR STREET PLAN - REQUEST FOR AMENDMENT TO DELETE PORTION OF MORGAN'S WAY - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

C. LaMarr Bunn, representing Development Associates, Inc., was at the meeting to request the City Council to amend the collector street plan of the City's Comprehensive Plan by deleting a portion of a collector street that he feels was mistakenly added to the street plan, being a portion of Morgan's Way between Bridgeport and Creedmoor Roads. Mr. Bunn indicated, as the Council is aware, over the past three to four years, a lot of master planning has been taking place between Greystone and Development Associates. He indicated they got the North District Plan which shows Morgan's Way on the collector street plan. He stated he has talked with the Department of Transportation and the Planning Department and everyone feels there is a better solution. Brief discussion took place and without objection, the item was referred to the Comprehensive Planning Commission.

SURPLUS PROPERTY - SEWER EASEMENTS - RESOLUTION ADOPTED

Attorney William Joslin, representing the owners of Cedar Hill North, had requested permission to purchase certain sewer easements that are to be released from public dedication according to the approval of the plan for conversion of the Cedar Hill North apartment complex into condominiums. Hal McNeely was at the meeting representing Mr. Joslin. He indicated this was a condition of the plan approval, that is, to release certain sewer easements from public dedication. He indicated Council members have received a letter and map showing the easements that are to be released from public dedication. He indicated the previous and acquiring owner have both agreed to this release and he is at the meeting to make the offer to purchase these from the City. Public Utilities Director Butler indicated there are several public sanitary sewer easements that are recommended for release and explained the ones that the plan approval recommended for release and the ones that the City would need to retain. Mr. Edwards indicated his map is being utilized but he is not doing this project. He indicated he knew that there were some easements that will not be needed with Mr. McNeely pointing out the ones that are not needed to serve the public outside the project are the ones that are to be released. After brief discussion on the location, etc., Mr. Edwards moved approval of the process for disposition of the easements. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION 1983 - 338

A RESOLUTION TO AUTHORIZE THE SALE OF CERTAIN REAL PROPERTY OWNED BY THE CITY OF RALEIGH

WHEREAS, the City of Raleigh has acquired certain real property, said property being described more fully as follows:

Cedar Hills North Apartment Complex - Certain sewer easements according to map entitled, "Property of B & R Associates and C. L. Benson," dated October 20, 1975, available for public inspection in the Office of the City Clerk and Treasurer.

WHEREAS, Cedar Hills North Apartment Complex is being converted into condominiums; and

WHEREAS, a condition of that condominium conversion indicated that certain sewer easements are to be released from public dedication; and

WHEREAS, B & R Associates and C. L. Benson have offered to purchase said easements for $1.00 plus the cost of legal advertising (approximately $35.00); and

WHEREAS, Chapter 160A-266 et seq., of the North Carolina General Statutes permits the City of Raleigh to sell said property subject to upset bid provisions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the City of Raleigh will sell the hereinbefore described property provided that no upset bid in the amount prescribed by law is entered within ten (10) days of the publication of Notice of Sale.

Section 2. That in absence of an upset bid as provided by law, the Mayor be authorized to execute the instrument of conveyance.

Adopted: 9/6/83

DOWNTOWN SALES PROMOTION - REQUEST TO TETHER HOT AIR BALLOON - REFERRED TO CITY ATTORNEY TO WORK WITH APPLICANT

Doris H. Tolan, representing Downtown Sales, explained that this is a business promoting the downtown area of Raleigh. She pointed out over the past three months, they have been compiling a directory of downtown businesses. The area covered is a 24 block section running 2 blocks on either side of Fayetteville Street Mall from the Raleigh Civic Center to Peace College. She indicated the directory will be updated and published every six months and includes all businesses, merchants and services. She stated they have received support from the Downtown Business Association and the Downtown Development Corporation for this project. She stated to kick off the publication, they have planned a "Do it Downtown" day the 14th of September pointing out many activities have been planned in order to make the day fun for all who work and play in Downtown Raleigh. She stated she was at the meeting to request that the Council consider closing Cabarrus from the driveway of the Radisson Plaza Raleigh to Wilmington Street for approximately three hours - 11 a.m. to 2 p.m. on September 14 in order to secure maximum safety for the tethering of a hot air balloon which has been provided by Luther's Barbeque Restaurant. City Manager Zachary indicated the Code provides for infrequent landings of air craft but Administration does not have the authority to do what is being requested. Ms. Tolan indicated this is not a landing, that they are putting the balloon up and it will be tethering - utilizing six point tethering. In response to questioning, she indicated there would be people going up and down in the balloon. City Attorney McCormick indicated there might be a problem with the sign ordinance, questioning if the people of Luther's understand that they might need a special permit and only one is allowed in a certain time frame. Ms. Tolan indicated she had been working with Jack Moyer on this request. City Attorney McCormick indicated you can get a permit to launch a balloon in the City but pointed out in this case, it is not the launching of a balloon it would be tethering. Discussion took place with City Attorney McCormick indicating the City no longer owns Cabarrus Street as it was sold to York Hannover. Brief discussion took place on what is being requested, if there would be problems with the sign ordinance, insurance requirements that would be necessary, etc. After other discussion, Mr. Jordan moved that this matter be referred to the City Attorney to work with Ms. Tolan in developing a special use permit to allow this activity. His motion was seconded by Ms. Babb and, after discussion, put to a vote which resulted in all members voting in the affirmative except Mr. Walters, who voted in the negative. THE MAYOR RULED THE MOTION ADOPTED.

RUN FOR THE OAKS - INFORMATION RECEIVED

Carole Sawacki indicated on behalf of the Parks and Recreation Advisory Board, she would like to express appreciation for the Council's help and support of the Parks and Recreation Program. She indicated there had been a closely guarded secret relative to the Mayor's running and that is that he plans to run and she feels that his colleagues should support him. She indicated the run she was to referring to is the "Run for the Oaks". She indicated she hoped all members would come out and support the race and presented Council members with a rain check for a T-shirt commemorating the event. She explained the run and invited all to attend. The item was received as information.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

NONE

MATTERS SCHEDULED FOR PUBLIC HEARING

PUBLIC NUISANCE ABATEMENT - 1616 CREST ROAD - HEARING - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming costs in the amount of $294.20 against 1616 Crest Road in the name of William J. and Helen B. Jones. The costs are for abating public nuisances at that location. The Inspections

Division was unable to notify the owner, therefore, notice was by publication in The Raleigh Times. The Mayor opened the hearing. No one asked to be heard. The hearing was closed. Mr. Calloway moved adoption of a resolution confirming the charges, as outlined. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 339.

PUBLIC NUISANCE COST CONFIRMATION - 3112 WILDER STREET - HEARING - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming charges in the amount of $120 for abating public nuisances at 3112 Wilder Street, Lot 266, Map 521 in the name of David McNeil. The Mayor opened the hearing. No one asked to be heard thus the hearing was closed. Mr. Upchurch moved adoption of a resolution confirming charges as outlined. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 339.

RESOLUTION NO. 1983 - 339

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING CERTAIN NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160A of the General Statutes and Sections 2.14(33), (51), 22-51 and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and,

WHEREAS, pursuant to said Statutes the City Council of the City of Raleigh has adopted Part 7, Chapter 5 of the Code of the City of Raleigh, relating to the abatement of nuisances; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code of the City of Raleigh and more specifically Part 7, Chapter 5.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to the General Statutes above referred to and makes the same a lien against the premises as provided in Part 7, Chapter 5 of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	ABATEMENT COST
William J. & Helen Jones	1616 Crest Road ID #0038673	$294.20
David McNeil	3112 Wilder Street Lot 266, Map 521 ID #0008633	120.00

Section 3. That this resolution shall become effective September 6, 1983.

Adopted: September 6, 1983

UNFIT DWELLINGS - VARIOUS LOCATIONS - ORDINANCE ADOPTED; 514 EAST MARTIN STREET AND 3115 WILDER STREET - REFERRED TO LAW AND FINANCE COMMITTEE

This was a hearing to consider adoption of an ordinance declaring the following dwellings unfit and directing that they be placarded. The Mayor opened the hearing on each case.

2104 Nelson Street - Henry E. and Alice Richardson. No one asked to be heard. Mr. Jordan moved adoption of an ordinance declaring the dwelling unfit. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 181.

514 East Martin Street - Fred McCoy property owner. Housing Inspector Hinnant indicated work is being done at this location. Without objection, the item was referred to the Law and Finance Committee.

516-518 East Edenton Street - Norman J. Neer. No one asked to be heard. Mr. Upchurch moved adoption of an ordinance declaring the dwelling unfit. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 181.

3115 Wilder Street - Mary W. Holt and Oza Williams. Representative of the property owners were at the meeting indicating they have been working on the property and need some additional time. Brief discussion took place and Mr. Jordan moved that 3115 Wilder Street be referred to the Law and Finance Committee. His motion was seconded

by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED and pointed out that this would enable the City to monitor the work. He stated if the work is not completed, then the Committee could recommend adoption of the ordinance recommending placarding.

1011 East Martin Street - Mrs. S. L. Delany. No one asked to be heard.

815 South East Street - Lena May Wilson, property owner. Housing Inspector Hinnant indicated that the City Council approved a CD loan for this property today, therefore, she would request that this item be withdrawn with no action taken. Without objection, the item was withdrawn.

227 and 229 East Lenoir Street - A. B. Jenkins. No one asked to be heard.

1433 and 1435 Nottingham Road - Blanche F. Honeycutt, property owner. Housing Inspector Hinnant indicated the repairs have been made by the owner, therefore, she would request that this item be withdrawn with no action taken. Without objection, the item was withdrawn.

Mr. Upchurch moved adoption of an ordinance declaring the dwellings at 1011 East Martin Street and 227 and 229 East Lenoir Street unfit. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. 1983 - 181

AN ORDINANCE FINDING THAT THE PROPERTY DESCRIBED HEREIN IS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR DEMOLISHED AS DIRECTED BY THE INSPECTIONS SUPERINTENDENT.

WHEREAS, the City Council of the City of Raleigh finds that the property described herein is unfit for human habitation under the provisions of Part 7, Chapter 4, Article G of the Code of the City of Raleigh, North Carolina, entitled "Housing Code," and that all of the provisions of said Article have been complied with as a condition of the adoption of this Ordinance; and

WHEREAS, said house should not be occupied until repaired to meet the requirements of the Minimum Housing Standards Ordinance, or that the same should be demolished as directed by the Inspections Superintendent, and should be placarded by placing thereon a notice prohibiting use for human habitation:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Inspections Superintendent of the City of Raleigh be and he is hereby authorized and directed to place a sign on the building at location listed herein containing the legend: THIS BUILDING IS UNFIT FOR HUMAN HABITATION; THE USE OR OCCUPANCY OF THIS BUILDING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL.

PROPERTY OWNER	LOCATION
Henry E. & Alice Richardson	2104 Nelson Street
Norman J. Neer	516-518 East Edenton Street
Mrs. S. L. Delany	1011 East Martin Street
A. B. Jenkins	227-229 East Lenoir Street

Section 2. It shall be unlawful for any person to remove said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any said building for human habitation.

Section 3. That a copy of this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. This Ordinance shall become effective September 6, 1983.

Adopted: September 6, 1983.

PAVING ASSESSMENT ROLL 663 - HEARING TO CONSIDER AMENDMENT - RESOLUTION ADOPTED

A hearing to consider adoption of a resolution correcting Paving Assessment Roll 663 to the end that the assessment against Lot 29 will be in the name of Bobby Lee and Peggy S. Cannady rather than Spaulding and Perkins, Limited. The assessment is in the amount of $1,450 and the roll needs to be corrected as it has been found that the Cannadys were the correct owners of the property at the time of confirmation. The Mayor opened the hearing to the public. No one asked to be heard thus the hearing was closed. Mr. Jordan moved adoption of the correcting resolution, as outlined. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 340

A RESOLUTION OF CORRECT PAVING ASSESSMENT ROLL 663 ST. GEORGE ROAD.

WHEREAS, by Resolution No. 1982-803, adopted 1-19-82, the City Council confirmed Special Paving Assessment Roll 663.

WHEREAS, on the map attached to said assessment roll Lot 29 was shown as being the property of Spaulding & Perkins, Ltd.

WHEREAS, the City Council now finds that Lot 29, was at the time of confirmation of the assessment roll, the property of Bobby Lee & Peggy S. Cannady, and that the assessment should be corrected accordingly, as permitted by GS-160A-228; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Paving Assessment Roll 663 be and the same is hereby corrected, and the assessment against Lot 29 is made against Bobby Lee & Peggy S. Cannady.

Section 2. That the Revenue Collector is authorized and directed to correct the tax records by making appropriate entries thereon.

Adopted: 9/6/83

Bobby Lee & Peggy S. Cannady
2913 Providence Road
Raleigh, NC 27610

Amount: $1,450.00

ANNEXATION - GREYSTONE VI - HEARING - ORDINANCE ANNEXING PROPERTY EFFECTIVE SEPTEMBER 30

This was a hearing to consider the contiguous annexation of the area known as Greystone VI. The hearing is pursuant to petition advertisement and notification as required by law. Planning Director Chapman indicated this is a small portion of the Greystone development located on Sawmill Road pointing out this particular annexation covers approximately fourteen acres. He explained when it is fully developed, it would contain approximately 100 people and 54 townhouses. He indicated the development calls for installation of approximately 700 linear feet of public streets, etc. He stated this is a voluntary annexation that has been reviewed by the various City departments and no objections have been raised. He stated if the Council takes action to annex the property, the effective date of the annexation is recommended as September 30, 1983, and the property should be assigned to City Council Electoral District A. The Mayor opened the hearing. No one asked to be heard thus the hearing was closed. Mr. Calloway moved adoption of an ordinance annexing the property September 30, 1983 and adoption of a resolution assigning the property to Electoral District A. His motion was seconded by Mr. Jordan and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 182

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS GREYSTONE VI

WHEREAS, pursuant to provisions of Section 160A-31 of the General Statutes of North Carolina, public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on September 6, 1983, at 7:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, no petition was filed at said meeting of the City Council objecting to the annexation of said territory and asking that an election be held thereon; NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of September 30, 1983:

Beginning at a point in the existing (7-1-83) Raleigh City Limits, said point being 2,419.29 feet easterly from a point on the eastern right-of-way of N. C. 50, measured along said City Limits; thence leaving said point of Beginning with said City Limits in an easterly direction along a curve to the right 380.17 feet to a point, said curve having a radius of 1,546.77 feet; thence North 81° 56' 41" East 194.84 feet; thence along a curve to the left 108.93 feet to a point, said curve having a radius of 775.04 feet; thence leaving said City Limits in a southwesterly direction along a curve to the left 37.55 feet to a point, said curve having a radius of 25 feet; thence South 12° 10' East 171.90 feet; thence along a curve to the right 144.92 feet to a point, said curve having a radius of 823.48 feet; thence South 02° 05' East 150'; thence along a curve to the left 236.64 feet to a point, said curve having a radius of 554.83 feet; thence with a curve to the left 25.62 feet said curve having a radius of 25 feet; thence with a curve to the right 254.20 feet to a point, said curve having a radius of 70 feet; thence South 32° 50' West 146 feet; thence

South 78° 30' West 485 feet; thence North 04° 58' 13" West 600 feet, thence North 22° 08' 43" West 360.07 feet to the point of Beginning, containing 13.4813 acres shown on plat entitled "Annexation Plat, Greystone Subdivision" dated 5-30-1980 and revised 5-21-1981, 2-8-1982, 6-4-1982, 4-26-1983, 7-10-83, prepared by Bass, Nixon & Kennedy, Inc.

Section 2. It being understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective September 30, 1983.

Adopted: 9/6/83

Effective: 9/30/83

RESOLUTION NO. (1983) 341

A RESOLUTION TO AUTHORIZE THE INCLUSION OF GREYSTONE VI IN CITY ELECTORAL DISTRICT A

WHEREAS, The City Council of the City of Raleigh did, by Ordinance No. (1983) 182 adopted September 6, 1983, annex a parcel of land being commonly referred to as Greystone VI; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, Electoral District A is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as Greystone VI as described in Ordinance No. (1983) 182 be added to City Electoral District A.

Adopted: 9/6/83

Effective 9/30/83

PRIVATE BUS SERVICE - WOLFLINE - APPROVED ON FIRST READING TO BE PLACED ON SEPTEMBER 20 AGENDA

This was a hearing to consider an application from Yellow Cab Company of Raleigh, Inc., DBA Raleigh Transportation Service to operate a private bus service in the City of Raleigh, known as Wolfline. The Mayor opened the hearing. No one asked to be heard. Department of Transportation Director Blackburn indicated this item will be presented to the Transit Authority at their meeting on September 9, and they would make a recommendation back to the Council on September 20. Brief discussion took place after which Mr. Jordan moved approval of the application on the first reading with the understanding the item would be placed on the September 20 Agenda for second final reading. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 183

PRIVATE BUS SERVICE PERMIT

Issued to: Yellow Cab Company of Raleigh, Inc.
dba Raleigh Transportation Services

Pursuant to Part 11, Chapter 5, of the Raleigh City Code, by the City of Raleigh, on the 13th day of September, 1983, and subject to the conditions listed herein:

I: Routes, Schedules, Fares

The private bus service shall operate, consist of, and be limited to fixed routes with fixed schedules and fares as described in the attached "NCSU Wolfline Map and Schedule". Passengers may board and be discharged at locations to be determined by the permit holder; provided, that any bus stop locations may be changed in the interest of traffic and/or route safety at the discretion of the City of Raleigh. The service may utilize the following City and NCSU campus streets:

A. FRATERNITY COURT/AVENT FERRY ROUTE (Gorman Street, Octavia Street, Merrie Road, Avent Ferry Road, Crest Road, Varsity Drive, Fraternity Court, Dan Allen Drive, Hillsborough Street, Pullen Road, Cates Avenue, Morrill Drive, Western Boulevard)

B. KING VILLAGE/FRINGE AREA ROUTE (Gorman Street, Jackson Street, Method Road, Ligon Street, Sullivan Drive, Dan Allen Drive, Hillsborough Street, Pullen Road, Cates Avenue, Morrill Drive, Faucette Drive, West Lot)

II. Insurance

Minimum insurance coverage and limits shall be as required for the North Carolina Utilities Commission Exempt Certificate and shall be maintained at all times by the permit holder.

III. Vechicle Inspections

The buses, at all times, shall be in compliance with the North Carolina Vehicle Inspection Law and shall meet or exceed the inspection requirements for an Exempt Certificate from the North Carolina Utilities Commission. Additional and periodic vehicle inspections may be required at the discretion of the City Council to assure safe and reliable bus operations.

IV. Vehicle Descriptions

The following type buses shall be used in providing the services authorized under this permit:

Three each 1962 GMC Model No. 4517, 45 seat capacity or equivalent.

V. Term of Permit

This bus service permit shall expire three years from the date of approval. The permit shall remain valid only while the permittee holds a valid Exempt Certificate issues by the North Carolina Utilities Commission.

VI. Transferability

This bus service permit is nontransferable. The bus service may be provided only by or in the name of the permittee.

VII. Disclaimer of City Responsibility

The issuance of this permit in no way indicates any responsibility or obligation for the City of Raleigh to guarantee provision of this service.

APPROVED BY THE RALEIGH CITY COUNCIL ON September 6 and 20, 1983.

SEAL

Brenda Anderson
Deputy City Clerk and Treasurer

TELECOMMUNICATION TOWER - WINDEL DRIVE - APPROVED

This was a hearing to consider an application from Cablevision of Raleigh to construct a 120 foot telecommunications tower, satellite dishes, and an equipment facilities building on Windel Drive.

Planning Director Chapman explained the location, zoning and the proposal. He indicated the City Council had adopted an ordinance setting out conditions that have to be met prior to a special use permit being issued. He outlined the conditions and how this proposal relates to the conditions as follows:

1. RADIO AND TELEVISION RECEPTION FOR ADJOINING PROPERTIES WILL NOT BE DISTURBED.

   An affidavit from Cablevision's Broadcast Engineer certifies tht the proposed equipment will not interfere wit local radio and television reception.

2. THE HEIGHT OF THE TOWER DOES NOT EXCEED 450 FEET.

   The tower height is 120 feet.

3. THE LIGHTING OF THE TOWER DOES NOT EXCEED THE MINIMUM STANDARDS OF THE FEDERAL AVIATION ADMINISTRATION.

   A Federal Aviation Administration Aeronautical Study states that no marking or lighting is required.

4. THE MINIMUM YARD SETBACK OF THE TOWER FROM ADJACENT NON-RESIDENTIAL LOTS IS 50% OF THE TOWER HEIGHT.

   The yard setback from adjacent non-residential lots conforms, with the tower being setback 140 feet±. The setback from adjacent residential lots would be 60 feet for the proposed 120 foot tower. As shown on the site plan, this minimum setback has been met, with a distance that varies from 85 feet to over 200 feet.

5. THE BASE OF THE TOWER AND EACH GUY ANCHOR ARE SURROUNDED BY A FENCE AT LEAST 8 FEET IN HEIGHT. IF THE TOWER LOT ADJOINS RESIDENTIAL ZONING, THE FENCE SHALL BE SCREENED BY A VEGETATIVE COVER.

   As shown on the site plan and in conformity to the Code, an 8-foot fence will surround the proposed tower and satellite dishes. A photinia hedge will be used to screen the fence, each bush being planted 4 feet apart.

6. THE AREA ADJOINING STREET RIGHTS-OF-WAY AND RESIDENTIAL ZONED LOTS IS TO BE LANDSCAPED WITHIN A 20-FOOT DEPTH WITH ONE TREE FOR EVERY 40 LINEAR FEET OF FRONTAGE.

   The site plan conforms to code standards with the planting of 2-inch trunk caliper Willow Oaks 15 feet in height.

7. THE EXTERIOR APPEARANCE OF ALL BUILDING STRUCTURES LOCATED IN A RESIDENTIAL ZONING DISTRICT LOOK LIKE A RESIDENTIAL DWELLING.

   An elevation of the proposed building shows a one story "ranch" style brick house, thus conforming to the code.

8. BUILDING STRUCTURES LOCATED IN RESIDENTIAL ZONING DISTRICTS MAY NOT BE USED AS AN EMPLOYMENT CENTER FOR ANY WORKER.

   Petitioner states that workers will be present at facility only for periodic maintenance or monitoring of equipment.

9. THE USE WILL NOT BE DETRIMENTAL OR INJURIOUS TO PROPERTY VALUES OF THE SURROUNDING NEIGHBORHOOD.

   The Council may take into account testimony at the hearing in making this decision.

The Mayor opened the hearing to the public. Mark Mueller, 208 Windel Drive, indicated he was representing owners in the area. He presented two petitions signed by 48 homeowners/residents in the area. He indicated they object to this proposal as they are concerned about what influence this special use permit, if approved, will have on the proposed rezoning case on the property adjacent to it. He indicated there is a public hearing scheduled on September 22, to consider a request for rezoning and if this proposal is approved, he feels it would have an adverse effect on that rezoning request and cause the Council to approve it. He stated that the people in the area are paying the price of depreciation of their homes because of the CP&L towers to the east and they do not feel they should have to further pay for depreciation of their property because of these towers. He indicated they are also afraid that Cablevision will want to extend the towers to 450 feet. He indicated the model of the proposed construction is lacking in accuracy. He stated there will have to be some type reflecting disc on top of the tower and when the neighbors questioned Mr. Moore about this, he indicated they did not know how many would be on the top of the tower. He indicated when Cablevision of Raleigh wrote to the adjoining residents, they did not mention the proposed 120 foot tower. He indicated he as understands it, Cablevision of Raleigh is leasing this property because it is the most economically feasible and he does not feel that the adjoining homeowners should have to pay for the depreciation to their homes just because Cablevision of Raleigh can get the property cheaper. He indicated they are leasing this 1.6 acres for $500 a month and the residents feel that Cablevision of Raleigh could afford a more suitable location. He questioned how the Council would feel about living next door to a 120 foot tower and five dishes right outside of their home. He indicated the people in the neighborhood are concerned about this unsightly view and just feel that the tower and facilities should not be located as requested.

Jim Homes, 209 Windel Drive, indicated he has an eight year old daughter and there are a number of other school aged children living in this area. He stated they utilize Windel Drive to get to Effie Green. He pointed out Windel Drive has no sidewalks for the children to utilize and get into Six Forks Road. He explained Windel Drive used to be Old Millbrook Road. He stated Windel and Farley are utilized as a cut off for people coming on Six Forks to miss the shopping center and get to Millbrook Road. He stated there is a lot of through traffic and a lot of lead-footed teenagers who utilize this street as a race track. He stated so far no one had been hurt but at least a half dozen pets have been killed in the last year. He stated any commercial type use of this property will increase traffic and cause safety problems for the children. He stated he is afraid if this use is allowed, it will make it very hard for the neighborhood to defeat the proposal to rezone the adjoining property. He stated the Cablevision facility itself will not represent much traffic but he feels it will enhance the chance for the rezoning on the adjacent property. He indicated he understood Cablevision can get this property inexpensively but pointed out his house is a major investment and he is upset about the potential loss of property value. He indicated in his opinion, Cablevision of Raleigh's attempt to save a few dollars is endangering his daughter's life and depreciating his property value. He called on the Council to not allow any commercial type use on this residential street.

Bernadine Weddington, 4814 Brookhaven Drive, indicated she was chairman of the Land Use Committee of the Raleigh CAC. She stated last week Mr. Moore and members of his staff met with the Land Use Committee and the new Cable Administrator, Bob Thomas was also present. He indicated they were shown the model of the proposed construction and they were assured that Cablevision would comply with the requirements of the Code. She stated the chief concern is that construction of such a facility "will not be detrimental or injurious to property values of the surrounding neighborhood." She stated with that in mind, they would look to the Council to make a decision that will be acceptable both to the residents of Windel Drive and to the customers of the City franchised Cable system. Ms. Weddington indicated the CAC's had opposed the Council adopting the ordinance that would allow these towers in all zoning districts.

Wade Hargrove, attorney representing Cablevision of Raleigh, indicated to the best of their ability, Cablevision had constructed the model to scale. Utilizing the model, he explained the building has the appearance of a residential dwelling and the microwave receiving dishes are located at the back of the property. He explained the property slopes in that direction and it is very doubtful if anyone can see the microwave dishes from the street. He stated the dishes are not shown on the tower in the model, pointing out the dishes on the tower will only be three feet in diameter and they would not show up on the scale. He stated they are very sympathetic to the surrounding property owners, pointing out he too is a resident of this community. He stated he shares the concern about asthetics in our City. He pointed out, in listening to the comments, it seems that the principle concern isn't so much Cablevision's proposal but the adjacent pending rezoning case. He stated he does not feel that that should be an issue here or be considered. He stated he does not feel that there is any question that this facility will blend in with the residential neighborhood. He pointed out there will be no lights on this tower and that might not be the case if Cablevision has to go to another location. He indicated this site was dictated by engineering constraints. He pointed out there will be no noise from the site and the towers will not create any interference with televisions, etc. He stated it would be an electronic switch station which will form the heart of the new 60 channel system for the City of Raleigh. He indicated site selection is controlled and restricted by engineering and technical constraints, pointing out they have to have a space with a high elevation so that the tower does not have to be any taller. He indicated the elevation of this particular site cuts down on the height of the tower. He explained how the site was selected, pointing out the head end location, FAA requirements, etc., were considered before this site was selected. He indicated it was not selected because of economics. He indicated someone had suggested that Cablevision might want to go to 450 feet. He stated Cablevision of Raleigh has assured him that they see no need to extend it higher in the forseeable future. He explained that someone had stated that Cablevision was only paying $500 a month. He stated the $500 figure is what Cablevision is paying for the option to lease the property they will be paying $1,150 plus maintenance and taxes. Mr. Hargrove pointed out that Cablevision representatives have informed him that they have spent over five months trying to find a suitable site to meet all the criteria and technical specifications and this is the only site that is, in fact, available to Cablevision. He stated the site selection was not dictated out of economics. He pointed out other people spoke to the traffic burden on Windel Drive. He stated this facility will be visited on the average of once a week, as it will not be manned on a day to day basis. He pointed out if there is a problem, there might be someone making a trip there two to three times a week but in would not be manned. He indicated representatives of the real estate company, Cablevision, engineering and architectural firms were in the audience and would be glad to answer any questions.

Albert Eller, 122 Windel Drive, indicated he lives directly across from this property. He stated he purchased his home in December and they placed their name on the petition of opposition, not so much that they were radically opposed, but to show their concern. He stated he would have a lot of opposition if it were to be a higher tower, a lot more anticipated traffic, etc. He indicated he was at the meeting tonight to let the Council know that they are concerned and the neighborhood is depending on the Council to protect their neighborhood to the best of their ability and knowledge. He again stated he was not radically opposed, pointing out he did not know enough about the proposal to be for or against it. He stated the facility did not look bad to him and he would trust the Council to do the best possible to take care of the neighborhood.

A resident at 312 Berkwood Lane indicated he lives across Millbrook Road. He stated he was at the meeting for a selfish reason and that is he wants Cable T.V. in his neighborhood. He stated he is a new homeowner in Colony Woods and the CP&L transmission lines are in his backyard and they did not play a big part one way or another in him purchasing the property. He indicated, frankly, he could think of other things that would be a whole lot worse to be adjacent to than something like the proposal. He indicated an earth station is only a receiving station and he would urge the Council to make a wise decision but pointed out, we have waited a long time for the expanded Cable system in this City and if this site is not approved, there will have to be an extensive search to find another site. He stated he just hopes that we will be able to get this thing resolved so Cable can get on with their plans. A resident of Christmas Court indicated they are opposed to this zoning change, as they want to keep the area residential. Mayor York pointed out this is not a zoning case but he understands what is being said. No one else asked to be heard for or against the proposal thus the hearing was closed.

Mayor York indicated the Council did develop an ordinance for allowing telecommunication towers and questioned if this meets the various requirements. Planning Director Chapman indicated it does meet the first eight requirements, as explained earlier in the hearing, however, it is a Council decision as to whether it meets the ninth requirement. Mr. Upchurch questioned how the engineer knows that the height of the tower will not have to be extended. Wayne Hall, the engineer for Cablevision, explained how the height requirement is determined. He explained the formula in detail, indicating they have taken into consideration tree growth of about ninety feet. He indicated normally the only time you run into problems is close in to the towers. He stated he just does not see, based on the formula and the criteria, etc., that there would be a need for anything beyond the 125 feet. Mr. Upchurch questioned if change in service changes the height requirement, with Mr. Hall indicating it did not. In response to questioning, it was pointed out the tower is 102 feet from the property line on Windel Drive. Mr. Jordan questioned how the City would monitor a project such as this to make sure it is built in conformance to

the plan. Mr. Edwards indicated it would basically be site plan approval. He indicated from what he hears the citizens saying is that they are basically concerned about what would take place on the corner lot if the tower is approved and built. He stated that is a completely separate issue. He pointed out this proposal does meet eight of the requirements set out by the ordinance and he had heard the people say they don't really object to the Cablevision facility but are just afraid of what effect its approval might have on the pending zoning case and additional traffic. He stated since this does meet our requirements and we need to move on, he would move approval of the application for the special use permit, as outlined. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ASSESSMENT ROLL 997 - RAVENWOOD DRIVE - HEARING - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming costs as outlined in Assessment Roll 997 - waterline in Ravenwood Drive according to charges outlined in Resolution 1983-315, adopted on August 2, 1983. The Mayor opened the hearing and no one asked to be heard thus the hearing was closed. Mr. Edwards moved adoption of a resolution confirming the charges, as outlined. His motion was seconded by Mr. Walters and put to roll call vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED and the roll confirmed at 8:44 p.m. See Resolution 342.

ASSESSMENT ROLL 685 - TEMPLE STREET - HEARING - CONFIRMING RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming costs as outlined in Assessment Roll 685 covering street improvements on Temple Street according to charges outlined in Resolution 1983-314 adopted August 2, 1983. The hearing was opened to the public, however, no one asked to be heard thus the hearing was closed. Mr. Edwards moved adoption of a resolution confirming charges, as outlined. His motion was seconded by Mr. Calloway and put to a roll call vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED and the roll confirmed at 8:45 p.m.

ASSESSMENT ROLL 996 - OWENS LANE - HEARING - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming costs of the installation of a water main in Owens Drive, Assessment Roll 996, according to charges outlined in Resolution 1983-313, adopted August 2, 1983. The Mayor opened the hearing to the public, however, no one asked to be heard thus the hearing was closed. Mr. Calloway moved adoption of a resolution confirming the charges, as outlined. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED and the roll confirmed at 8:46 p.m.

RESOLUTION NO. (1983) - 342

A RESOLUTION CONFIRMING SPECIAL WATER ASSESSMENT ROLL 997, PAVING ASSESSMENT ROLL 685 AND WATER ASSESSMENT ROLL 996

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 6th day of September, 1983, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolutions 1983-315, 1983-314, 1983-313 adopted on the 2nd day of August, 1983, which assessments appear on "The City of Raleigh Special Water Assessment Roll 997, Paving Assessment Roll 685 and Water Assessment Roll 996," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special

Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: September 6, 1983

JOINT HEARING BEFORE THE PLANNING COMMISSION AND THE CITY COUNCIL

The City Council went into a joint hearing at 9:00 p.m. with the Planning Commission to consider the Southeast District Plan update. The minutes of that meeting will be covered in a separate set of minutes.

Gail G. Smith
City Clerk

ayw/CCN